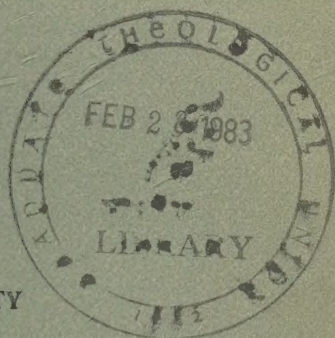


JEEVADHARA

A JOURNAL OF CHRISTIAN INTERPRETATION



CONFLICT MORALITY

CONFLICT MORALITY : AN INTERPRETATION

Felix Podimattam

MORAL ABSOLUTES : TOWARDS A SOLUTION

George Lobo

COGNITIVE DEVELOPMENT :

SWORD TO CUT MORAL GORDIAN KNOTS?

Thomas Kalam

Jeevadhara

is published in English and Malayalam

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The Fullness of Life

CONFLICT MORALITY

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Editorial

Over the centuries theologians have been racking their brains in an effort to tackle the thorny problem of morality in conflict situations. Not seldom do human actions either leave good undone or cause evil in the process of achieving good. The crucial question, then, is whether, when and on what criteria can a Christian pursue good at the cost of evil. How are we to come to reasonable terms with unavoidable evil? What, for instance, of the individual, working for a company manufacturing defective wares; of the advertizing agent compelled to lie as part of his job; of the sales manager who has to rig prices; of the garage mechanic constrained to invent repairs; of the woman secretary obliged to grant sexual concessions to her boss in return for a job indispensable for the sustenance of her family? What of the case of a complicated pregnancy wherein the life of the mother is seriously threatened if nothing is done to expel the fetus; of the spy captured by the enemy and threatened with "third degree methods" of torture for eventual refusal to disclose vital military secrets; of the young wife unjustly deserted by her husband and having no one to turn to; of the victim of rape facing a ruined future if her pregnancy is allowed to continue?

Not surprisingly, various theories have been proposed in the past to meet situations such as those described here. The most important ones depended on distinctions between intended evil and permitted evil, direct voluntary and indirect voluntary. Useful

enough as the applications of these theories are in certain conflict situations, they are not found to be so in others. We need, therefore, to evolve a moral theory comprehensive enough to cover all conflict situations. An effort in this direction is made in the present issue of *Jeevadhara* by the three contributors: George Lobo, Thomas Kalam and the sectional editor.

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Conflict Morality: an interpretation

The morality that is operative in conflict situations may be termed conflict morality. Conflict morality does not presume to propose a comprehensive moral theory covering the entire field of morals but only conflict situations, namely, situations in which a person is constrained to sacrifice a value for the sake of another. In conflict situations one is confronted with a choice between two or more mutually exclusive evils or goods.

In today's complex world instances of conflict situation are galore. For example, the single or married person asks how he can be honest as regards income taxes if he is to manage his business profitably. The married couple wonder how they can be open to life in every act of conjugal intimacy and at the same time avoid another undesirable pregnancy. The student queries how he can avoid cheating that affects his grading when such cheating is the rule of the day. The youth enquires how he can remain non-violent, given so much of brazen injustice to the poor and the underprivileged. The sailor is perplexed as to how he can remain continent, living as he does, most of the time, away from his family.

Older moral theology used to discount the possibility of real conflict situations given the supposed perfect order of creation established by an all wise God. The so-called conflicts were allegedly no more than apparent, resulting mainly from error or timidity. A mode of thinking such as this betrays, to say the least, an unpardonable degree of alienation from the realities of life and an arrogant self-assurance in moral matters. Far from stemming from error or perplexity, conflict situations originate from real tensions in life.

That moral obligations cannot conflict with one another is to be granted for it is only after ascertaining which right in a conflict situation is to be preferred that we can speak of a moral obligation at all. Claims of justice and righteousness emerge not before the more urgent right in a conflict situation is

established. Tragic indeed would be our life were we forced to choose between moral obligations, for we would then have to sin despite ourselves.

I. Why Conflict Morality?

1) Any sort of compromise with evil must certainly leave a Christian uncomfortable, following as he does, a Lord who did not hesitate to suffer injustice in silence and even death for the sake of love. Not surprisingly then, it turns out a delicate affair for him to have to explore the legitimacy of causing evil if only to achieve good. Nonetheless, given conflict situations in plenty it seems hardly possible for him to eschew all evil, his best efforts notwithstanding. Even no less a person than Saint Paul had to deplore: "For I do not do the good I want, but the evil I do not want is what I do" (Rom 7: 10-21). This is no more than a classical depiction of the human predicament.

2) Moral theology should not fall a prey to the temptation of sidestepping the issue of sin and its baneful consequences in human life. While endeavouring to walk in the way of the Lord, we cannot but come face to face with the grim reality of sin. At the dawn of our spiritual life we are prone, under the spell of initial idealism, to look at sin as a transient peripheral phenomenon. As we launch deeper into spiritual life, we begin to be dismayed by the awareness that sin, after all, is not such a peripheral reality and victory over it is not so easy as we thought. We start perceiving the fuller implications of the saying of Saint Paul cited above. We also begin to concur with Goethe who felt that each individual contains enough material for two, a rogue and a gentleman and wondered why God didn't create them separately; with Disraeli who said that "youth is a blunder, manhood is a struggle, old age is a regret"; with Martin Luther, though not unreservedly, who spoke of man as just and sinful at the same time (*simul justus et peccator*).

The presence of sin spurs us on, far too often, to do things we would never have done, had there been no sin. Flouting the dictates of conscience we do what we ought not. Various obstacles such as sloth, and bad habits weigh us down against performing our duties. Apparently two opposing forces lay claim to

our loyalty. While sin beckons us enticingly to its subservience, God summons us lovingly to conversion, liberation and divine adoption. It is hardly an exaggeration to state that our life is the scene of a fierce pitched battle between the forces of the prince of this world and those of the King of Kings.

3) Modern philosophy has rightly highlighted the presence of an existential anguish or anxiety in human life. Anguish or anxiety is nothing more than a state of feeling distressed at the prospect of exposure to pain or misfortune. Inasmuch as the being of man is continuously threatened by non-being, anguish becomes a constant companion of his. A composite being that he is, consisting of matter and spirit, man is subject to dissolution resulting from illness and death. As one capable of intellectual knowledge, witnessing as he does the destructive forces of nature, the seeming victory of evil over good, the clash between spiritual aspirations and bodily inclinations, and the like, man can fail to see the purpose of his life and of the world around. As one endowed with freedom man's effort to reach his ultimate goal can flop. Limited as the possible avenues of action are, he is seldom left with a free choice. He is often obliged to operate within a narrow sphere circumscribed by the choices of others and the turn of events. Rarely is he left with choices between a clear right and a clear wrong.

4) We should entertain no illusions about our situation in the world. In all humility and sincerity, we ought to adopt an attitude of tragic optimism vis-à-vis our life. Split between flesh and spirit, wooed by good and by evil, enfeebled by an enigmatic wound, man is weighed down all his days under a crushing burden. Considering man in his fortunes and failures, in the fleeting duration of his life and in the obscurity of his unknown future, in his corruptions and infidelities, is too dizzy and appalling an affair. When we ponder the inhuman sufferings inflicted on people by political, socio-economic, cultural, psychic and other structures we are led to wonder if a host of demonic forces were not let loose all around. The misery that pervades the lives of millions is staggering beyond imagination. No purpose is served by prolonging this gruesome litany of man's dreadful woes. More than ever are we convinced of the ambiguous and tragic situation of man.

5) That sin should be regarded as a decisive factor allowing for some variability of morality was not unknown to the best Catholic theological tradition. The Fathers of the Church, for instance, envisaged two orders, the ideal order of the state of original justice and the present tainted order of fallenness. The state, for instance, with its authority to govern, would have existed even in paradise. Man's essential equality of nature and his dignity would by no means come in the way of the structure of society in terms of superiors and subjects. Likewise marriage and family, with subordination of children to parents would have found their place in paradise. However, a difference there would be. In the dispensation of original justice, man would have readily and lovingly submitted himself to authority and spontaneously fulfilled his obligations to the neighbour. Such a spontaneous readiness to love and serve others in unselfish love is no more there now and this is due to sin. In fact, in the fallen world, some coercion is needed to induce people to fulfil their obligations. What would have been non-coercive authority in the original state is coercive in the fallen state. What authority could achieve in paradise without coercion could be achieved in the fallen state only with coercion. While the state as such is a postulate of the human condition, its coercive character is the result of sin.

The Fathers generally adopted a similar stand in regard to slavery, private property, self-defence, polygamy and the like. They did justify slavery and the contemporary slave like subservience of wives to husbands by appealing to *poena peccati* (effects of sin). The institution of private property was regarded by them as a result of sin. "All ought to belong to all; it is sin which has made private property" (P. G. I, 506-507). Private property was viewed by Saint Thomas in the same way: "It is a primary intention of nature that all things be held in common, but in the fallen state of human nature division of goods is necessary to prevent discord and to properly motivate individual persons" (ST, II-II, p. 66, a. 1-2).

The right to kill in self-defence is likewise typical of the fallen state, a right which would make no sense in the original state where love, peace and harmony would reign supreme. In effect, a right that would be non-existent in paradise became a reality in the state of sin.

That sin is the reason for the variability of morality is clear to Saint Thomas. He argues that polygamy may become lawful after the fall despite the fact that "human nature was founded without any defect... and in this way it sufficed man when he was first formed to have one wife" (In IV Sent. , d. 33, q. 1 a'ad 6; Suppl. , c. 65, a. 1 ad 6). Similarly he argues regarding exceptions to the law of indissolubility. Divorce may have been lawful under the Old Law "because certain things are forbidden to those that are healthy in body which are not forbidden to the sick" (Ibid. , a. 2, sol. 2 ad 4; Suppl. , q. 67, a. 3 ad 4). "The same rule cannot be laid down for children as for adults. Many things are allowed to children what in adults are visited with punishment or blame, and in like manner many things may be permitted to men who are not perfect in virtue which could not be tolerated in virtuous men" (ST I-II, q. 96, a. 2). Bernard Häring writes: "In the true sense of the word there is no dispensation from the natural moral law, nor can there be. But in its application a law or right of our nature can be robbed of its binding force through a change of nature" (*The Law of Christ* I, Cork, 1961, p. 248).

6) Preachers in the past not infrequently used to assert that grace can do all things. Quite true in the abstract. Grace entails no miraculous intervention by God with a surplus quota of moral insight and energy. It is too much to expect grace to change man and his situation in such a way as to enable him to act like a god. Despite divine adoption and the love of God poured out into his heart, the Christian continues to remain a human being called to pursue his life in a human way.

The statement that Our Lord did not speak about excusing causes when fraternal love was at stake and that He commanded us to love others as He loved us is certainly correct. Christ was, however, proposing an ideal to strive after, an ideal which can perfectly be realized only in the next life. "Love one another as I have loved you" is a splendid ideal to be pursued vigorously. But has anyone on earth ever achieved it? Proposing Christ's love as an ideal is one thing, demanding of human love the perfection of Christ's love, is quite another. When we place certain limits to the achievement of the ideal of love, we are far from watering down its demands. We are merely asserting

that this ideal was preached to imperfect human beings. Not only from minimalization does charity suffer, but also from maximalization. Total spiritual bankruptcy is sure to result when proclamation of an ideal is confused with its immediate implementation. Instead of trying to produce instant heroes. Christian spirituality had better be content with fashioning men who fulfil their vocation as imperfect men in the community of imperfect men in an imperfect world, always, however, trying to do better. Heroism seems to be more the task of supermorality, i. e., morality supported by mysticism, than of morality.

Idealism, good in itself, can be damaging if not well understood and lived. Hollow is the idealism that is divorced from the realities of life and commonsense. While the context of framing ideals is one thing, that of making moral decisions is another. There may be things that we ought to do when looked at ideally, which we ought not when considered realistically. To insist that we do whatever we ideally can, is to insist that we be persons other than what we are. Not that we should not strive to become better human beings. Evidently we should, for we are all in sore need of continuous improvement by means of deeper self-knowledge, more fervent prayerfulness, and even some psychological helps. The question we are tackling here is whether, given our present resources, we are obliged to reach the ideal here and now. Certainly not. To propose expertise in astrophysics or biochemistry is excellent as an ideal, but to demand it from an adolescent under the pain of dismissal from school is, to say the least, absurd. It is ideal that children look after their aged parents. But unfortunately, should we happen to be coming constantly on the nerves of our parents making them miserable, rather than look after them ourselves we should see that they are looked after by others with whom they feel comfortable.

II. Moral Evil as Self-Unfulfilment through Self-Destruction

A. Moral Good as Self-Fulfilment through Self-Construction

1) Moral goodness is characteristic of man here below and represents his highest perfection. When one is morally good he is a good person. Being good in any other way hardly takes

him beyond the range of partial goodness, as for instance, in the case of a good politician, good singer, good actor and so on. Inasmuch as moral behaviour engages the totality of the person, his moral dimension assumes the proportion of his total dimension. That is why a person acts against his moral dimension when he tries to experience just one of his dimensions, be it, physical, intellectual, psychological, or even spiritual, to the exclusion of all others.

2) Moral goodness entails the endeavour to provide unity and meaning to human life by way of an ongoing realization of its potential. Moral goodness implies a ceaseless effort at realizing our "infinity" in the framework of our finiteness. Only by surpassing and transcending our present condition and, as it were, by becoming divine, do we achieve moral goodness. Moral goodness stems from the tension between what we are and what we ought to be, between our self that is content with the *status quo* and the self that is not so, between our self that chooses and the self that judges.

3) Man is never a fullfledged personality at his birth. He achieves his full personal development gradually and by dint of efforts. Only personal beings who are imperfect are capable of the trait of moral obligation. God, being a Pure Act without any admixture of potentiality, is said to be beyond moral obligation. Pure Act that He is, God is incapable of diminishing Himself and is thus incapable of moral evil. The possibility of diminishing oneself constitutes the ground of moral obligation which precisely consists in that of not doing so. Expressed in positive terms, moral obligation consists in the duty to build oneself.

4) A twofold finality, intrinsic and extrinsic, is discernible in things. Intrinsic finality is always internal to the structure of a being. Thus the germ plasm of organic beings has the intrinsic finality to develop into a typical sort of organism. Extrinsic finality, on the other hand, is impressed upon a thing from outside. The finality that is imparted to a ball speeding towards the pins is an example of extrinsic finality. Like every other being, man too has an intrinsic finality written into his being which is revealed largely through the operation of his authentic drives. Unlike in subhuman beings, man's intrinsic

finality to develop himself, never operates automatically and needs the concurrence of his will. Willing his own perfection, he has to work assiduously for it and this accounts for his extrinsic finality. Man's intrinsic finality can function only when it is extrinsically finalized by him. The possibility of a clash between the intrinsic finality of man's being and the extrinsic finality of will, is thus never ruled out. Herein enters the moral obligation of avoiding such a clash by concurring with man's intrinsic finality in his own interest. The object of moral obligation is therefore man's own perfection and fulfilment.

5) Every being is dynamic in some way. While minerals possess energy and animals instincts, man possesses drives. Energy, instincts and drives, inasmuch as they are blind, need to be directed in order to be productive of good, just as a torrent needs to be harnessed for irrigation, heat for cooking, electricity for operating a radio, etc. Energy, instincts and drives move without being able to direct, impell without being able to guide, push without being able to steer, propel without being able to pilot. A mechanism of automatic control of energy and instincts is operative in the case of subhuman beings. It is not so in the case of man who has to be guided by auto-control. Man is called upon to control his drives in a way that contributes to his personal growth. This is moral obligation.

6) Man is thesis and antithesis at the same time, something and non-something, perfection and imperfection. He is thesis, perfection, something for what he is; antithesis, imperfection, non-something for what he ought to be. This combination of thesis and anti-thesis, something and non-something, perfection and imperfection naturally creates a tension seeking resolution in a synthesis and equilibrium. While in subhuman beings such a tension is resolved automatically, it is resolved in man only with his cooperation which unfortunately not all men are willing to extend. Hence the moral obligation to do so in the interests of man's own synthesis and equilibrium.

7) Moral obligation is the obligation to attain man's destiny, and is comparable to the obligation of automobilists to follow the direction indicated by signposts. A person, for instance, driving from Bombay to Pune, is under obligation to follow

the signposts, in his own interest. He violates it only at the risk of not reaching his destination. This obligation, however, is relative binding as it is only on those who wish to travel by road. Moral obligation, on the contrary, is absolute inasmuch as all are in all circumstances bound by it. What we ought to be is beyond our choice. The basic drive towards what we ought to be is a given fact determined by what we are and is beyond our control. We can only steer it towards or away from the goal of our destiny.

8) Moral laws are comparable to the instructions that accompany machines. Far from being the product of the manufacturer's arbitrary will, these rules represent norms taken from the very structure of the machine. The machine is so structured that the rules have to be such as are formulated in the list insofar as they are the articulated structure of the machine. They are meant to enable the buyer to derive the utmost benefit from the use of the machine. To abide by these rules is to utilize the machine well and to obtain the maximum advantage from it. To flout them is to damage the machine and to forfeit its benefits were the machine to have knowledge and freedom, the list of rules would constitute moral precepts for it, following them amounting to moral good (virtue) and violating them amounting to moral evil (sin).

Transposing this reasoning to human beings who have commandments we see that these commandments are by no means the product of the arbitrary will of God. These commandments are no more than the structure of man in an articulated form. Man's structure is such that the commandments could not be other than what they are. The human being is so constituted that lying, stealing, murder, adultery and the like would only destroy his constitution. This is too obvious. Suffice it to envisage what would happen to man if such things like lying, stealing, murder etc., were not prohibited. An action is prohibited by God because it is destructive of the human structure and thus evil; it is destructive of the human being and consequently evil, not because it is prohibited by God. Moral evil is self-destruction.

9) Theologically speaking, the will of God can be said to be the source of moral obligation for man. This will of God who is a loving Father can by no means be anything but man's

genuine perfection and welfare. This statement needs no proof for those who believe in the Fatherhood of God. The commandments of God are never arbitrary laws enacted by a tyrant in the heavens who cares little for what happens to his creatures here below. The commands of our Father in heaven are in fact the mute voice of our own essential being and its drives, declared very good by Him. The commandments set the conditions essential for achieving the development of our nature. That is why Saint Thomas could say: "We do not wrong God unless we wrong our own good" (*Summa Contra Gentiles*, Book III, Chapter 122). In order, therefore, to ascertain what is the will of God for man, it suffices to find out what action promotes human perfection. The law of God for man is the law of man's growth and fulfilment.

10) Some objections are now answered. It is remarked that an action is good not because it perfects man; on the contrary, it perfects man because it is good. In reply we say that moral goodness consists essentially in the relation of conformity of a decision with right reason. A decision that is in accordance with right reason is morally good. To be in accordance with right reason, what does it mean? When does right reason perceive an action in accordance with itself? Why does right reason perceive only some actions and not others in accordance with itself?

Right reason judges an action to be in agreement with itself and therefore, morally good, when this action meets in some way the fundamental drive of man, which in the last analysis consists in the intrinsic ordination of his being to the Creator. Every being is either for itself or for another. If for itself, it is ordained to itself and its fundamental drive is towards itself. If it is for another, it is ordained to this another and its fundamental drive is towards this another. While the Creator alone is ordained to Himself, all creatures remain ordained to the Creator. Insofar as man, as a creature, is ordained to God, his fundamental drive too is towards Him. This fundamental drive towards God is perceived by right reason as most reasonable and as supremely good. The moment this drive is perceived by right reason, it is perceived as in agreement with itself and as morally good. Apart from this drive no perception of good seems possible. Inasmuch as right reason sees and tastes

this drive and its object as good, no further criterion is needed to declare them morally good. The perception of this drive and its object as reasonable and as morally good, constitutes the basic condition for all the other moral judgments of a person. It is this fundamental drive that makes possible the perception of moral good. Right reason cannot but judge an action in line with this drive as conformable to itself and as morally good. Not doing so would amount to contradicting itself. In effect what makes the reason right is its capacity to judge this drive and its object as conformable to itself and as morally good. The fundamental drive towards God and its object are so patently in consonance with right reason that a reason judging otherwise, by that very fact, would forfeit its credential to be designated right reason, denying as it does what it sees and relishes.

Why this fundamental drive towards God at all? Because man is a creature and is essentially insufficient and imperfect. Were he all perfect, he would no more be a creature. Being imperfect and insufficient, man has a basic drive towards God who alone can perfect him fully. This basic drive towards God is thus an implicit drive towards his own perfection and fulfilment. It is a drive towards God inasmuch as He is the source of man's perfection and fulfilment. Consequently right reason necessarily perceives an action conducive to his perfection and fulfilment as reasonable and as morally good.

A second question: Isn't it rank egotism to perform an action because it perfects self and brings in fulfilment and happiness? Shouldn't we do good because it is good rather than do it because it is self-perfecting and self-fulfilling? Love of self and of one's happiness is far from self-love and selfishness. In the first place, love of self and of one's happiness is the most natural thing in the world. It is impossible for love to begin anywhere else than in the self. Suffice it to ponder what one's existence means to oneself to grasp that it should be so. Even the golden rule requires that we love our neighbour as ourselves. Never can we ignore our good in the doing of good for others. There can be no turning away from our well being and happiness in any of our activities. Love of self and of one's happiness is so natural as to be prior to all deliberations and choices. Whether or not man should strive for happiness is never

a matter of man's choice. That he should, has been decided prior to his existence in virtue of his essence. For him to exist is to strive for happiness inasmuch as such a striving is the silent voice of his being. In seeking happiness man is but obeying the gravitational pull of his being. While aspiring after happiness something mysterious occurs at the centre of his being whose working he is unable to fully grasp. Why should man be happy is a question we do not ask for it can hardly be answered.

Saint Thomas articulated this idea in ever so many ways. He felt that the purpose of human action is quest for beatitude (ST I-II, 99, 1-5). "Man desires happiness naturally and by necessity" (ST I, 94, 1). "By nature the creature endowed with reason wishes to be happy" (*Summa contra Gentes*, 4,92; ST I-II, 13, 6). "To desire to be happy is not a matter of free choice" (ST I, 19, 10). "The desire for the ultimate goal is not among the things under our control" (ST I,82,1 ad 3). This sentence introduces the idea that happiness is the ultimate goal of human life (ST I-II, 69, 1; I-II, 3, 1). Happiness may be defined as the epitome of those things which "the will is incapable of not willing" (ST I-II, 10; 2).

Even those who insist on total self-forgetfulness in spiritual life are quick to take note of their name when mentioned in a conversation, to hunt impatiently for their picture in a group photograph, to check whether it has any bearing on themselves while reading an accident report in a paper, to be perturbed more by an aching tooth of theirs than by a distant earthquake that kills thousands. It is absurd to pretend to forget ourselves in our actions. Like it or not, in actual practice, we regard ourselves as the pivot around which all else turn. It is ourselves that we first serve in our activities. Love of self constitutes the incentive objective of our actions. Even God we serve ultimately for our own good. If serving God were not to redound to our benefit would we do it? Why don't we serve the devil? Because it doesn't serve us in the ultimate analysis. We serve God as the source of our ultimate happiness. Happiness is what morality is about. "We ought to make ourselves happy; that is the true morality" wrote Kant in his *Lecture on Ethics*.

Man is at the same time both nature and mind. Self-creativity is no more than just one facet, though very important.

of man's definition. Another of his facets is the reception of his essence from outside himself. At the core of his being there occurs an act which is both mental as well as natural. Man's desire for happiness is of this kind. The natural desire for happiness that springs from the innermost centre of man's being is the freest of all his activities inasmuch as it proceeds from him spontaneously, unrestricted by any external coercion.

Secondly, far from being a vice, love of self has the distinction of being a virtue. It is not without reason that Saint Thomas regards it as a grave obligation (ST I-II, 25, 4). Scripture urges love of self. "My son, with humility have self-esteem and value yourself at your proper worth" (Sirach 10: 27-28). "You shall love your neighbour as yourself" (Mk 12: 31). Authentic love of self is thus the pattern for the love of neighbour.

According to Pope Pius XII, love of self is part of morality and the lack of self-esteem is to be deemed a moral evil. Addressing clinical psychologists in 1953, he said: "There exists in fact a defence, an esteem, a love and service of one's personal self which is not only justified but demanded by psychology and morality" (as quoted by Paul Hinnebusch in *Prayer: The Search for Authenticity*, New York, 1969, p. 39). In *Populorum Progressio* Pope Paul VI wrote: "In God's plan, every man is born to seek self-fulfilment, for every human life is called to some task by God. Endowed with intellect and free will, each man is responsible for his self-fulfilment even as he is for his salvation. He is helped and sometimes hindered by his teachers and those around him, yet whatever be the outside influences exerted on him, he is the chief architect of his success or failure" (*The Pope Speaks*, 12 (1967) p. 149).

Every man is himself primarily responsible for his eternal destiny. From this point of view, love of self implies a more basic obligation than even the love of neighbour. In fact it is so basic that it is deemed unnecessary to be included in the commandment of love. We can never love God and our neighbour without a healthy self-esteem and love of self. The other way round is equally true. We can have no genuine love for ourselves unless we love God and our neighbour.

Thirdly, individual happiness forms the basis of social happiness. An ethic that enhances the happiness of the individual thereby enhances the happiness of the community. The ideal way of fostering the happiness of the society is to foster the happiness of the individual. Man represents the world in miniature. His emotions and sentiments are not quite different from those of the society as a whole. Society is no more than the reflection of the individual, in a curved mirror, as it were, wherein his essential features are mirrored in a larger proportion. Even instincts such as the herd instinct and the parental instinct are no more than individual instincts as manifested in the context of the group. Apart from the individual they have no existence. The herd instinct, for instance, is the instinct that spurs the individual to respond to the expectations of the group.

Never can we hope to generate happiness in the world apart from the happiness of the individual. The ideal that promotes happiness in the individual is the ideal that promotes the same in the community. Were we able to make even so much as one person completely happy, we have the key to world's happiness.

Those who regard love of self as selfishness do not understand what selfishness means. In proportion to a person being selfish, he does not love himself. In other words, a selfish person fails to love himself exactly in proportion to his being selfish. In fact, to be selfish is to hate oneself. Far from loving himself too much, a selfish person loves himself too little. Owing to lack of self-esteem, a selfish person is dissatisfied with himself. He therefore goes about seeking things in order to make up for the lack of self-contentment. The absence of self-esteem lands him in frantic search for possessions, honours, titles, and the like, in an effort to compensate for what seems lacking in himself. Were he to love his self really, he would find contentment in himself and there wouldn't be need for compensations for bolstering up his self. We act egoistically when we pursue superficial happiness (pleasure) at the expense of the deepest happiness (joy), when we succumb to the happiness accruing from satisfying our superficial drives in contrast to the happiness that springs from satisfying our fundamental drive towards God.

No doubt, we should help the poor, for instance, for the goodness of doing so rather than for the perfection we derive from it. The motive of our doing should by no means be the perfection we acquire from it, but the good itself. Here we are considering what constitutes moral goodness and how we discern it rather than what should intentionally move us to do good. *Finis operis* and *finis operantis* should not be confused.

A third question: If following moral obligation necessarily redounds to their perfection and fulfilment, why don't men follow it always? Perfection of man is of two kinds: basic and peripheral. While basic perfection consists in the actuation of the fundamental drive towards God, peripheral perfection consists in the actuation of his superficial drives (passions) against the interests of the fundamental drive. When passions are uncontrolled, the feeble voice of our fundamental drive can easily get submerged under their boisterous clamour and thunderous claims with the result that the true happiness of man is misrepresented as the happiness accruing from satisfying the passions only. Uncontrolled passions produce a conception of human perfection that goes not beyond their own satisfaction. Instead of presenting as human perfection what is good for man as man and what is in accordance with his fundamental drive, these passions continue to present as ultimate good what ever is satisfying to them. Passions need to be regulated if genuine conception of human perfection is to be had.

It is not difficult to see the decisive role of passions in moral living. The human will heavily depends on the passions much as the intellect depends on sensible knowledge. The passions have their own world of values which are by and large in conflict with those of the person. We can easily envisage the havoc which uncontrolled passions can cause when we realize that the actuation of the will largely depends on the actuation of the passions. Even as the intellect is set in motion by the objects of the senses, so is the will set in motion by the objects of the passions. Much as the intellect is easily misled when the senses are less than sound, so is the will misled when the passions are let loose.

It is a tragic fact of experience that we get our passions in an uncontrolled state. You follow the passions and you are led astray. We have to train them in order to benefit from them

Why couldn't they automatically lead us on the right path? Why do they possess the negative power of leading men astray when left to themselves? Passions seem to be disordered inasmuch as they have the tendency to pervert men when not regulated. Moral living would have been pleasant were we to receive the passions in an ordered state at birth!

B. Moral Evil as Self-Unfulfilment through Self-Ruining

Much more than transgression of a divine commandment is implied in a wrong action; it goes counter to self-realization and leads to self-disintegration. In sin a disruption of the person occurs insofar as preference is denied to his personal dimension and given to his other dimensions. Whenever the first priority is denied to one's personal dimension in favour of other dimensions, a split in the personality takes place with the forces of the passions dominating over the forces of the will. Once the will is dislodged from its rightful primary position, personal disintegration follows.

What happens to a person as a result of sin is analogous to what happens to him in a disease. In a disease certain physiological processes normally working in unison with the total functioning of the body, go their own way jeopardizing its operation as a whole. Cancer is a typical example of a clash between the functioning of the whole body and that of some of its parts. Something similar is true of a wrong action. If in disease the integrity of the body is destroyed, in a wrong action, it is the integrity of the person that is wrecked. While disease represents the victory of disintegrating forces over the body, sin points to the victory of disintegrating forces over the person. Sin can again be compared to a stunted tree that was meant to grow straight and tall. On sinning a person becomes warped, narrowed, forced in upon himself and starts growing in a twisted fashion.

The sinner is rendered less human by sin. Every wrong action implies a diminishing of self as a human being. Sin is self-destruction. Indulging in moral evil, besides dehumanizing self and harming the human family, obstructs world growth and challenges God's salvific designs.

III. Self Destruction as Destruction through Non-Love consisting in violation of Rights

1) Having seen that moral evil consists in self-destruction, we enquire as to how this destruction is brought about. Seemingly it is caused by disregarding human dignity through violation of rights. Wherever there is self-destruction there seems to be infringement of human dignity through right-violation. Right-violation and infringement of personal dignity seem to go together. Moral evil is tied to violation of rights. Hence self-destruction is intimately related to right-violation.

2) Persons alone possess rights. A right may be described as that which limits the extent to which a being may be possessed. Possessing a material thing totally, the owner may utilize it as he wishes even to the extent of destroying it (at least in principle.). Over against this, a person, if at all, can be possessed not more than partially, i. e., from the viewpoint of his service. Even as we speak of possession of citizens by the state and of children by their parents, we know all too well that this kind of possession is a far cry from the possession of a thing by its owner. A person can never be possessed completely by another simply because he possesses himself. Man alone can distance himself from his nature. In him we may distinguish a possessor and a possessed. As for the animal, for instance, the possessor is outside itself inasmuch as everything has been set for it by its Creator. There is no self in the animal that can distance itself from its nature and take possession of it. Man is self as well as brute nature. Because non-persons can be possessed totally they can also be treated wholly as a means. Persons, however, are to be treated as ends because they are beyond complete possession by another. Only those factors in man that can be possessed by others, e. g., work, may be used as means. While non-persons can be considered as absolute means, no person is to be considered so. He may at most be regarded as a relative means, i. e., means in regard to some of his aspects.

That persons have rights is too obvious to belabour. Man has a right to all the values that help him to achieve genuine fulfilment. Whatever complements his being is an object of his

right and can be pursued unless it conflicts with the right of another.

3) Whoever violates the rights of a person debases himself. Self-destruction is much more than the result of right-violation; it is, indeed, a part and parcel of such a violation. In the very act of right-violation a person debases himself. Rights being the articulation of personal dignity, to violate them is to treat its possessor as a non-person, as an object. To treat another as an object is to debase and destroy oneself for one becomes a person only in the context of a community of persons interacting with one another as such. When deprived of interaction in a community, an individual can hardly go beyond the level of animal existence as exemplified in the case of the wolf children. Our humanity actualizes itself only in the framework of interpersonal relationships in community. That is why children reared by animals remain animallike.

As observed above, we become persons by relating to others as persons, i. e., by treating them as persons. We scarcely treat them as persons when we violate their rights. To violate others' rights is to treat them as objects and to do so is to walk out of the community of persons and thereby depriving oneself of the status of person. This is the reason why violation of rights entails debasement and destruction of one's self.

Furthermore, personal guilt is the automatic result of right-violation. Far from being merely a fear of consequences, guilt implies an awareness of one's debasement regardless of consequences, and a gnawing division within the self. It is thus easy to see that respect of rights constitutes the most vital task of a person. We are what we are because of the community of persons and hence whatever threatens the community of persons—as right-violation does—threatens our personality.

Respect of rights and respect for personality go hand in hand. To describe another's rights is to describe what respect for him as a person demands. Respect for person is what moral goodness is all about and is shown through respecting his rights. On the other hand, disregard for person is what moral evil is all about and is shown through right-violation.

4) The moral criterion that is constantly appealed to in our judgment regarding moral evil is always violation of rights. By

saying, for instance, that murder is wrong we are thereby saying that it goes against the right of man to life. When we affirm that non-payment of income tax is wrong; we are affirming that it violates the right of the state to a share of one's income. In these and other cases of judgments regarding moral evil, we are in fact making an implicit appeal to the principle that violation of rights is morally evil.

The purpose of the commandments is to safeguard rights. Concretely, the purpose of the prohibition of murder is to safeguard the right to human life. Similarly the purpose of the prohibition of lying is to protect the right to accurate speech. Again the purpose of the prohibition of stealing is to protect the right to one's property. And so on with the other commandments, none of which exists except to safeguard rights.

5) The morality of an action depends on whether it respects or violates rights. An action as such is neither morally good nor morally evil. An action plus the protection or erosion of rights renders it morally good or evil. Prior to this protection or erosion of rights, an action is premoral and hence physically good or evil. There can, therefore, be no question of moral goodness or moral evil apart from the prior question of respect for or violation of rights. We may speak of morality only to the extent that we speak of what we do with rights. Accordingly, the action of killing a man, whether innocent or guilty, is merely a physical evil until it implies the violation of his right to life. The trouble with older moral theology was that it got into categories of moral good and moral evil before investigating whether or not protection or violation of rights was involved.

6) That right-violation stands at the basis of moral evil and self-destruction seems to be supported by the Bible. It is not incidental that the prohibition of adultery comes between murder and stealing. We may note that David's adultery with Bathsheba is depicted in the Bible as stealing (2 Sam 12; Prov 6: 29-31). The same trend of thought is apparent in the prohibition of rape. In sexual matters, the Jewish law seems to cover only what touches rights of persons. Sexual sins are deprecated mainly for their violation rights than for the enjoyment of sexual pleasure that they imply.

7) Saint Thomas too seems to think on these lines. No doubt, the core of Thomas's vision of Christian life is love of God and love of neighbour rooted in faith and hope. However, this love, far from being a vague good feeling, consists basically in willing and doing what is just to God and neighbour. In regard to God this love is never realized apart from giving God His due, for instance, in the form of worship. To describe Christian life in terms of love of God and love of neighbour is to describe it in terms of giving them their due in affection.

Thomas does not believe in an action that is solely loving without it being at the same time an act of justice. An act of love is what it is precisely because it promotes the welfare of the loved one (ST II-II, 32, 1). Accordingly an act of love, besides including the element of affection, includes also rendering to God and neighbour their due. It is impossible to love God and neighbour without respecting their rights. Respecting rights provide the content to love, and apart from it love turns out to be a mere feeling of affection expressing itself in trifles that have no relation to the real needs of the neighbour.

For Thomas the other virtues are meant to clear the way for respecting of rights in love. Fortitude and related virtues are meant to enable us to forge ahead, despite obstacles, in our effort to give others their due in love. Temperance and its associates are there to prevent pleasure from keeping us away from doing justice to others (ST II-II, 123, 12; 141, 3). Why should we be brave? Because giving in to fear can lead us to the violation of others' rights. Why should we fast? Because a pampered body can easily be an instrument of injustice to others. Why should one control his sexual instinct? Because an uncontrolled sexual instinct constantly interferes with doing justice to others in love. In the perspective of Thomas the main objective of fasting, control of sexual instinct etc., is never mastery over one's body but justice to others. Even the malice of adultery consists more in the violation of the right of the spouse to fidelity than in the enjoyment of sexual pleasure outside of marriage.

8) That rights ought to be respected and their violation constitutes moral evil is a self-evident principle giving real content to the more general principle that good is to be done

and evil is to be avoided. The existence of rights is evident enough to require proof. A denial of it would imply that nobody has any right to do anything, which is absurd. In fact when we deny a right to someone it is on the understanding that the prosecution of that right would infringe a more urgent right of another. Indeed a right can reasonably be denied only on this ground.

If the existence of rights is evident, it is equally evident that they are to be respected. Manifestly, if one has a right to something others are obliged to respect it, for a right that does not generate in others an obligation to respect it is no right at all. To assert that one has a right and that others are not obliged to respect it is to contradict oneself. It is equal to taking away with one hand what is given with the other. The notion of obligation to respect a right is an integral part of the very concept of right. We have, therefore, a pragmatic principle whose status is self-evident. It has the advantage of being general enough to be self-evident and particular enough to be sufficiently practical for application to concrete problems.

9) We maintain that right-violation constitutes the ultimate evident criterion of moral evil and self-destruction. This is disputed by the authors of the Scholastic tradition who generally hold that rights are derived from law or duty rather than the other way around. According to them rights can only be established after establishing the law that generate them and as a consequence law rather than right constitutes the ultimate criterion of morality and moral evil.

No doubt, some rights stem from law. The right to free education, for instance, springs from the civil law that grants it. The point at issue here is not whether or not a right can be conferred by law but whether or not rights are so necessarily dependent on law that we cannot think of any right that is not derived from it. Are all rights derived from law? Are there not at least some rights that are prior to law? In fact all laws are derived from the right of the lawgiver to enact them. The laws originating from a person having no right to legislate, would be null and void, and could not generate rights. Even the assertion that all rights are derived at any rate from the natural law is to be rejected given the fact that natural law itself presupposes a God who has the right to impose it on His creatures.

Besides, there are human rights that are in no way derived from the natural law. It is common knowledge that a person has the right to follow his conscience even when it is erroneous. While following an erroneous conscience he will be acting objectively against the natural law. This means that conscience has the right to act against the demand of the natural law when it erroneously thinks that it is right to do so. This right to contravene the objective demand of the natural law can in no way be derived from the natural law itself, for no law can grant the right to contravene itself. Hence the right conscience is prior to the natural law.

Furthermore, the natural law is the law of right reason and the law of right reason is based on rights. Only an action that violates a right is judged by right reason as wrong. Hence right is prior to the natural law, the law of right reason.

In the ultimate analysis right is prior to law and founds it. Rather than right presupposing law, law presupposes right.

What have we to say regarding the other Scholastic theory that rights are derived from obligations or duties? A right to do something is said to spring from the obligation of others not to block it. We grant that rights cannot be exercised unless there are beings capable of obligations or duties. One would thus be unable to exercise one's rights in a world where one would be alone. A person would be foolish if he were to try to exercise his right to life, say, against wild animals or cyclones! Exercise of rights is, however, different from existence of rights. My rights derive their existence from the dignity of my person although they can be exercised only if there are beings capable of obligations. Hence the existence of rights in no way presuppose obligations or duties.

The fact that rights exist prior to obligations can be clarified further through an example. Imagine X making a promise to give something to Y. Given the promise, Y acquires a right to the thing promised. Although X is obligated to Y, Y's right is by no means derived from the obligation of X because X's obligation springs from his own promise which is but the transfer of a right to Y. Inasmuch as the promise is prior to the obligation which it generates, the right that it transfers is prior to the same obligation.

10) We proceed a step further and insist that violation of rights constitutes the *only* ultimate evident criterion of moral evil and self destruction. Wherever there is moral evil there is violation of some right and inversely wherever there is violation of a right there is moral evil. We have thus every reason to believe that right-violation constitutes the only ultimate criterion of moral evil. Moral obligation is coterminous with rights.

To conclude, what we have been trying to explain thus far can be expressed in the statement that in a non-conflict situation (when there is no conflict of rights) an action which meets the obligations arising from another's right is morally obligatory (and is to be done) and an action which violates another's right is morally wrong (and is to be avoided).

Meeting the obligations arising from another's right is different from respecting his right. Respecting another's right includes doing something that his right demands as well as refraining from anything that violates it. Moral obligation is verified in both these cases though differently. In the first case the obligation is to act, and in the second, it is not to act. With reference to doing something (commission) a moral obligation extends only to actions which meet or help to meet the obligations arising from another's right. As for not doing something (omission) a moral obligation extends to all actions which violate another's right.

IV. Nullification of rights in conflict situations

A. The fact of nullification of rights

The fact that a person has a right to something does not mean that he cannot lose it or that others are always obliged to leave him in peaceful possession of it. The moment his right to the thing starts conflicting with another's right to the same thing and granted that the latter's right is the more preponderant of the two, he loses his right. Thus an owner loses the right to his car temporarily if it is necessary to transport an accident victim to hospital. When rights conflict the less preponderant one is nullified.

Some further examples. Suppose a person attacks me and I have no other way of defending myself except by killing him.

The assailant then loses his right to life as a result of the conflict between my right to life and his right to life. Imagine that I am dying of hunger and an orchard is nearby. The owner of the orchard loses his right to the fruits necessary for my survival again as a result of the conflict between my right to life and his right to his goods. If a person were to demand of a confessor to reveal confessional secret, the former would lose his right to the latter's accurate speech as a consequence of the conflict between the enquirer's right to accurate speech and the confessor's right to defend the good name of his penitent. Likewise, if one of my bodily organs were to threaten my life, I would lose the right to the integrity of my body as a consequence of the conflict between my right to life and my right to the integrity of the body. More instances could be listed but the above-mentioned should suffice to illustrate the point that rights are nullified in conflict situations.

As shown earlier, moral evil consists in the violation of rights. Accordingly, when a right is nullified in a conflict situation, an injury inflicted in the area of the nullified right would not be a moral evil but only a physical evil. To illustrate, if I were to lose my right to life even for a minute, whoever killing me during this little while would in no way be guilty of murder and the killing would not amount to anything more than a physical evil.

B. Nullification of rights and proportionate reason

a. Preponderant right and proportionate reason

How is a right nullified in a conflict situation? When there is a conflict between two rights how to know which is nullified? How to decide which of the two conflicting rights takes precedence emerging as the preponderant right? One approach is to be immediately ruled out despite its seeming plausibility in principle. Drawing up a list of rights according to their priority in the abstract and applying it to concrete situation is scarcely of use. Even as the right to life is, in itself, more preponderant than the right to property, in a conflict between the two, it is not always the right to life that prevails. Think of a situation in which someone is out to destroy the sole means of sustenance of a family. Even the older moral theology would allow the defence of the essential property even by killing the assailant.

Therefore, when rights conflict, it does not suffice to check which of them takes precedence over the other in principle. We have, in fact, to ask *which right has on its side proportionate reason to warrant its precedence and preponderance*. In effect, the key factor in the question of preponderance of right is *proportionate reason*. In a conflict situation, whichever right has proportionate reason on its side emerges as the predominant right which nullifies the other. Proportionate reason settles the claim of conflicting rights to precedence. When rights conflict, that right takes precedence which is equipped with proportionate reason. In a conflict situation the action that meets or helps to meet the obligations arising from the preponderant right is never morally evil.

That it is proportionate reason that guarantees precedence to a right in a conflict situation which in its turn nullifies a conflicting right is easily argued. 1) Let consideration of examples be the first argument. In the event of an attack on my life I may licitly defend it even by killing the assailant. In the conflict between my right to life and the assailant's right to life, the proportionate reason of self-defence invests my right with precedence and my preponderant right to life nullifies the assailant's right to life and my taking his life is no murder, there being no violation of his right to life. In the case of my dying of hunger, my right to life conflicts with the owner's right to his goods and the proportionate reason of self-preservation confers precedence on my right to life and this preponderant right nullifies the owner's right to that part of the goods necessary for my survival and my taking it is no stealing. In the example of the confessor being asked to reveal confessional secret, the right of the enquirer to accurate speech conflicts with the right of the confessor to safeguard the reputation of the penitent and the proportionate reason of safeguarding the penitent's reputation grants precedence to the confessor's right and the falsehood that the confessor may utter is no lie.

2) That proportionate reason does guarantee precedence and the consequent nullifying power to rights is not strange to traditional moral theology. It was on the basis of *ratio proportionata* that older moral theology allowed exceptions to prohibitions. When older moralists concluded that it was sometimes right to kill or to take another's goods, it was on the ground of *ratio proportionata*. The same is to be said of the exceptions allowed

in other areas as in keeping promises and secrets, in meeting Sunday obligation, in the obligation of integral confession, of divine office, in the duty of procreating children, etc. More recently traditional moralists like Ferdinando Lambruschini have allowed women to take anovulant pills against the real danger of pregnancy by rape (Cf. Ambrogio Valsecchi, *Controversy*, Washington, 1968, pp. 26-36). For the proportionate reason of avoiding pregnancy by rape these theologians allow contraceptive pills.

The instance of the fifth commandment "Thou shalt not kill" being restrictively interpreted by traditional moralists is another typical example of recourse to proportionate reason in conflict situations. Moralists of old were faced with various conflict situations involving self-killing and killing of others. One person fed up with his life ends it by taking poison. Another caught up in a storm in the sea offers the last seat in the life-boat to a fellow voyager. A nurse braves into a plague-stricken territory and dies of plague while serving the epidemic stricken people. In all these cases there is the causing of death to oneself, yet all of them are in no way cases of suicide. Why? The older authors began answering by distinguishing between killing and letting die. The concept of killing was narrowed from the broader notion of a deliberate decision whose inevitable effect is death. The omission of an action that could save life is not always included in the commandment not to kill, they argued. For a proportionate reason it is right to omit an action that would save life. It is to be noted that the concept of proportionate reason is decisive as to whether or not it is lawful to omit a life-saving action. According to traditional authors charity is proportionate reason for one to omit such an action. Letting die is permissible for proportionate reason. We can think of reasons grave enough to justify letting die. A physician, therefore, is not obliged to prolong life at whatever cost.

Traditional moral theology made another important distinction, that between direct and indirect killing and concluded that only direct killing is forbidden by the fifth commandment. Indirect killing is allowed for a proportionate reason. It is indeed licit to perform a medically indicated hysterectomy on an expectant woman; here we have indirect killing allowed for the proportionate reason of saving the mother's life. Hence the

theory of proportionate reason and its power to justify a physical evil is traditional to the core. Nobody need to scent moral relativism therein.

3) That proportionate reason gives precedence to rights was not unknown to the Popes. For reducing the number of children for serious medical, eugenic, economic and social reasons (proportionate reason) Pius XII, for instance, allowed the rhythm method of family planning.

b. A close look into the nature of proportionate reason

1) Proportionate reason constitutes a complexus of factors guaranteeing precedence to a right in a conflict situation. Proportionate reason has relevance only in conflict situations and its reasonableness is intuited by right reason. On intuiting its reasonableness, right reason cannot but grant precedence to the right having proportionate reason on its side. Besides granting precedence to a right, proportionate reason empowers it to annul the conflicting right as well.

2) Proportionate reason is something that touches the core of actions. As explained earlier, moral evil goes counter to the structure of the person working his self-destruction. We recall that an action is morally evil because it is self-destructive; that it is not self-destructive because it is morally evil. Proportionate reason bears primarily on self-destruction and no more than secondarily does it bear on moral evil. The concept of self-destruction is prior to that of moral evil. Accordingly, an action is wrong because it entails an attack on the structure of the person. The performance of a wrong action would certainly mean bad consequences resulting from the destruction of the structure of the person; yet these consequences in no way constitute the wrongfulness of the action. Bad consequences are the result of the wrongfulness of the action; the wrongfulness of the action is by no means the result of its bad consequences. The fact of going against the structure of the person, implied in a wrong action, entails bad consequences.

3) A wrong action is always a disproportionate action in the sense of being disproportionate to the structure of the person. The disproportion involved consists in the clash between the action itself and the being of the agent of the action insofar as the action attacks the agent's structure. Contrariwise a virtuous

action represents a proportionate action inasmuch as it contributes to the growth of the agent. The proportion of a virtuous action consists in its harmony with the structure of the person and in its resultant self-constructive capacity. On the other hand the disproportion of a wrong action consists in its disharmony with the structure of the person and in its consequent self-destructive potential. We needn't, therefore, trace the disproportion of a wrong action and the proportion of a virtuous action to any other source than to the structure of the person positing the action.

What is the nature of the clash implied in moral evil, between the action and the structure of the agent? We know that the will pursues good as an end. Nonetheless, every good that the will pursues need not be a moral good. Only that good which corresponds to right reason can be styled as a moral good. It happens that an action which is a good for a lesser appetite of man is in no way a good for the highest appetite in man, the will. This is precisely what transpires in moral evil. The object of sensible appetite (passion) is preferred to the object of the rational appetite, love.

The basic good of man is the rational good. In general, good implies the perfection of a thing that is proper to it consisting in its overall healthy functioning in such a way as to be able to achieve the ends inherent in its essential functions. Accordingly, for example, a horse is considered good if its organism functions in healthy manner enabling it to pull loads. Likewise a plant is designated good if it grows well and produces its flowers and fruits. Because a plant is unable to pull loads, we don't consider it bad, for pulling loads doesn't figure among the essential functions of a plant. We don't expect the activity of a plant to surpass its structure or being. We thus designate things as good or bad as they are fit or unfit for carrying out the functions proper to their structure. A plant functioning according to its structure is said to function well, fittingly, proportionately. Likewise a man acting according to his structure is said to act rightly, fittingly, proportionately. The typically human good cannot be found save in the perfection proper to man as man, viz, his capacity to know and love. We have accordingly to seek in loving through knowledge and knowing through love (lovingly knowledge) the specific perfection of the human being, the typical reality of human existence. Love through knowledge and know-

ledge through love constitute man's typical perfection and fulfilment. Through loving knowledge man grows into a being in accordance with the full requirements of his nature. An action is fitting, proportionate and virtuous when it embodies loving knowledge. When a man loves through knowledge and knows through love, he acts according to his specific being and structure and performs a fitting, proportionate and virtuous action. When he fails to do so he acts contrary to his specific being and structure and places an unfitting disproportionate and wrong action. In short, a loving action is proportionate, fitting and good while an unloving action is disproportionate, unfitting and evil. A loving action, as it is in accordance with the structure of the human person, is necessarily perceived by right reason as proportionate, fitting and good. An action that is unloving is against right reason, disproportionate and unfitting. It is not simply that we designate a good action as a fitting action and a wrongful action as an unfitting action. Fittingness or suitability is a key concept in the sphere of morality. We envisage a right action as fittingly related to the totality of the situation, a wrong action as unfittingly related to the rest of the situation.

4) Proportionate reason is not to be identified with the *end* of traditional moral theology. Proportionate reason includes, besides the end, the other two elements of the moral action, namely, the object and the circumstances. Accordingly proportionate reason means the end, the object and the circumstances of an action perceived in their totality intuitively as loving and thus in accordance with right reason or as unloving and thus against right reason. Proportionate reason, therefore, includes not only proportionate end but also proportionate object and proportionate circumstances.

5) What is the relationship, then, between proportionate reason and the consequences of actions? Does proportionate reason mean the greatest net good or the best overall results? Not quite so. Proportionate reason is, by no means, to be confused with consequentialism, the theory which maintains that the morality of an action is to be judged by its consequences.

As shown earlier, proportionate reason, proportionate action, virtuous action, reasonable action, fitting action and the like are all equivalent realities meaning the same thing. In much the same way, disproportionate action, wrong action, unreasonable

action, unfitting action and so on, are equivalent as well. I shall argue that an action is not disproportionate because of its bad consequences; on the contrary, bad consequences flow from an action because it is disproportionate. This should suffice to illustrate the point that proportionate reason and consequences of actions are definitely distinct realities.

An action is not disproportionate and wrong because it has bad consequences; it is productive of bad consequences because it is disproportionate and wrong. The consequences of an action are bad precisely because they proceed from an action that is bad. Bad consequences are rather the result than the cause of a bad action. Instead of wrong actions springing from bad consequences, bad consequences spring from wrong actions.

To recall what has been explained earlier, an action is wrong because it is self-destructive. Much in the same way, an action is virtuous because it is self-constructive. The contrary is not true. An action is self-destructive not because it is morally evil. Likewise an action is self-constructive not because it is virtuous. The self-destructive nature of an action is causally prior to its being wrong just as the self-constructive potential of an action is causally prior to its being virtuous.

What then makes an action self-destructive or self-constructive, in the first instance, if it is not its wrongfulness or rightfulness respectively? To answer, an action is self-destructive to the extent it is unloving and self-constructive to the extent it is loving for love is the specific perfection of man as has been explained earlier. Accordingly, we may state that an action is self-destructive because it is unloving or is self-constructive because it is loving. To recall what has been said, a human being functions in a way fitting and proportionate to his structure only by functioning in a specifically and typically human way, i.e., in a loving way.

The contrary of this is again far from being valid. If an action is self-destructive because it is unloving, it is not unloving because it is self-destructive. The factor of unlovingness in a wrong action is causally prior to its being self-destructive. It is because an action is first unloving that it has the evil consequence of self-destruction. Self destruction, accordingly, is the effect of an action's unlovingness rather than its cause. Unlovingness is

not the bad result of a self-destructive action. If asked why an action is unloving, we may not answer that it is so because it is self-destructive for self-destruction is posterior to unlovingness. A wrong action is said to be unloving because it shares in the agent's option against God by which a person constitutes himself basically as a non-lover. We need not, therefore, resort to the bad consequences of an action in order to deduce its wrongfulness nor to its good consequences to conclude to its rightness. Self-destruction, unlovingness, sharing in the option against God and so forth are the reasons why an action is wrong and produces bad consequences. Likewise, self-construction, lovingness, sharing in the option for God, are the reasons why an action is righteous and productive of good consequences.

Does this mean that consequences of actions have nothing at all to do with their morality and with proportionate reason? In fact good consequences are an indication that an action is loving, self-constructive and good and bad consequences are an indication that an action is unloving, self-destructive and wrong. Lovingness, self-construction and righteousness do not reveal themselves save through good consequences although they are not constituted by these consequences. Similarly, unlovingness, self-destruction and wrongfulness manifest themselves through bad consequences even though they are not dependent on these consequences for their being. Consequences can readily be compared to the symptoms of an illness. Though symptoms reveal the existence of an illness, the illness is not caused by the symptoms. In fact, the symptoms are caused by the illness. Symptoms are no more than mere indicators of an illness. In much the same way, morality and proportionate reason are in no way dependent on consequences for their existence, although they depend on consequences for their being known. We may conclude saying that morality and proportionate reason are ontologically independent of consequences of actions but are epistemologically dependent on them.

We noted that for the knowledge of proportionate reason we depend on consequences of actions. However, we should add that not any kind of consequence is decisive in this matter. What is decisive is, to adapt the terminology of Oliver Johnson, optimizing consequences rather than optimistic consequences (Oliver Johnson, *Rightness and Goodness*, The Hague, 1959, pp. 133-150).

Johnson distinguishes an optimizing action from an optimific action. An optimific action is one whose performance in a given situation will produce the best consequences possible in that situation while an optimizing action is that whose performance in a given situation will make the greatest possible total contribution of goodness to the world.

As moral agents we have finally only one duty, to maximize goodness or always to perform that action which, in the situation, is optimizing. As a basis for reflection Johnson uses as an illustration the case of the judge who is presiding at the trial of a negro, accused of having murdered a white citizen. Because the crime has aroused great feeling in the white population, there is a grave danger of riots unless the accused is convicted and executed. With an all-white jury in the box and the circumstantial evidence heavy against him, the prisoner is as good as doomed. But the judge, and he alone, knows the man to be innocent. In such a situation it would clearly be the judge's duty to speak out and clear the accused man. Can the judge's duty be justified in terms of the good consequences which his action would produce? Let us suppose that the judge does speak out and, in the ensuing riots, many innocent people lose their lives. We would still agree that the judge has acted rightly. But should we still agree that his action was an optimific one in the situation? Is the goodness of a situation in which an innocent man stands freed rather than condemned sufficient to counteract the badness of a situation in which many other innocent lives are lost?

Let us try altering the example somewhat. Suppose that the trial is taking place in a race-mixed area. Because the murder victim was a much-hated racist, despite the fact that the circumstantial evidence against the accused is heavy, the negro population is preparing riot if the prisoner is convicted. The judge, and he alone, knows positively that the prisoner is guilty. What ought he to do and why? The judge does have a duty to make his evidence known. Can we accept the conclusion that his duty is grounded on the goodness of the consequences of his action? No.

Because the judge knows that the accused man is innocent or guilty, justice demands that he make his knowledge public.

And whether his doing so should cause good or evil consequences, although a relevant consideration, is of considerably less importance than the question: what is just in the situation?

And by this question we mean that, instead of looking to the future to find a ground for the judge's duty, we must look to the past, to the fact that the prisoner did or did not commit the crime of which he is accused. Immediate consequences may well provide a partial basis for our duty, but it cannot provide a complete basis.

Let us take another case of the promise made to a dying man to cremate rather than bury his body. The surviving friend, who has made the promise, is under an obligation, of considerable stringency to fulfil it. Can his duty be grounded on any good among the consequences of his action? We think not. His duty does not rest on the goodness of any consequences which his action will bring but rather on the fact that he has made a promise.

Any action, to be right, must be optimizing. Let us return to the case of the promise made to a dying man. If the surviving friend has a duty to fulfil the promise he had made to the deceased, to support our thesis that his obligation rests on considerations of value we must find some goodness connected with his fulfilment of the promise sufficient to account for the special incumbency of his duty. His keeping the promise does promote some value. Imagine two worlds in every respect the same except that in the first the surviving friend keeps his promise and in the second he breaks it. Can we say that one of these two worlds is better than the other? We believe so. Because in it the survivor keeps the promise which he has made, the first world, by that very fact alone, is a better world than the second, which differs from it only in this that in place of an act of promise-keeping in this situation, it contains an act of promise-breaking.

Here, clearly our case rests on an appeal to moral judgment. If moral insight is accepted as our final court of appeal we must admit that our judgment favouring the first world is verified by such insight. The world is a better place because this promise is kept rather than broken. Furthermore, it is because his keeping the promise contributes to a better world

that the survivor has an obligation to do so. Having established that to keep his promise is the optimizing action for the survivor to perform in this situation, we must next determine in what the goodness which renders his action optimizing consists. That this goodness cannot be found in the simple consequences of his action is clear. For no one derives any special benefits from the action. Keeping his promise, then, is not the optimific action in this situation; nevertheless, it is the optimizing action because he is acting according to the structure of his person.

The goodness which makes the surviving friend's act of promise-keeping optimizing in this situation is the intrinsic goodness of a way of life which this action represents. Such a way of life is good, not simply or even necessarily primarily because of the simple consequences to which it generally leads; rather it is good in itself because of the human growth it generates. Given a world containing men who keep their promises, such a world is better, and can directly be seen to be better. A community whose members exhibit a way of life in which promises are kept is intrinsically superior to one whose members do not. A way of life embodying fidelity to promises is fitting for human beings. And it is because such a way of life is good in itself that men have a moral obligation to follow it. Applied to the specific case which we have been considering, the survivor's action of promise-keeping, because of the goodness embodied in the way of life which it represents, is the optimizing action for him in that situation and for this reason, is the action which he ought to perform.

It is always one's duty, when faced with a decision between performing an optimific and an optimizing action, to choose the latter. We must attempt to determine whether or not the judge's action of making known the prisoner's innocence would be the optimizing, regardless of whether or not it is the optimific action in the situation in question. To decide this point let us suppose the existence of two worlds, in every respect the same except that in the first the judge speaks and in the second he remains silent. To rule out the possibility of our decision being affected by utilitarian considerations, let us suppose, further that both worlds come to an end immediately after the judge acts, so that no consequences result from his decision in either case. If we were presented with these two

worlds and asked to choose which was the better, there is no doubt that we would pick the first. For it is clearly the better of the two. A world which includes a situation in which an innocent man is being tried for murder before a judge who knows the man to be innocent, and who makes that knowledge public contains a goodness not contained in a world identical in all respects with the first except that it includes a situation differing only in that the judge remains silent. The extra value contained in the first world is moral goodness. Because the prisoner is innocent and the judge knows this, it is fitting that the judge should make his knowledge public. It is fitting because such an action performed in these circumstances realizes a way of life which is good. Were the judge, having this knowledge, not to make it known, the situation would be evil because the way of life exhibited would be bad. Our recognition of its goodness rests on moral insight, in the same way in which our recognition of any value does. It is good because it is what it is and we recognize its goodness by direct moral insight.

Although we can, if asked why this type of activity is good, answer that its goodness is a consequence of its nature and can directly be seen to be so and that is all there is to the matter, nevertheless we need not rest our case at the point. Rightness is a unique kind of fittingness of an action to the situation in which it is performed. In any given situation that action is right whose performance in the situation has optimizing consequences. An action may be rendered the optimizing action in any given situation by being the optimific action in that situation. On the other hand, an action may be made optimizing even though it is not even bonific, let alone optimific. In this situation its optimificity is neither a necessary nor a sufficient condition for its optimizingness, hence for its rightness.

c. Assessment of Proportionate Reason

We can thank heaven that conflict situations are not that frequent in our everyday life. Such situations do not form a part of our regular way of life and we do not have to live amidst incessant crises. If and when they do crop up, without too much of a difficulty, we do arrive at judgments regarding greater goods and lesser evils.

1) It is chiefly moral intuition that detects proportionate

reason in conflict situations. In moral matters ultimately we have to fall back on the moral intuition of prudent and wise people. When it is difficult and perhaps impossible to determine which of the two conflicting rights takes precedence Aristotle would fall back on the judgment of a man of practical wisdom (*Nicomachean Ethics*, 1107a). Two kinds of intuitions can be identified. One kind refers to general principles such as that every person has a right to life. The other refers to concrete questions like: which of the conflicting rights takes precedence here and now?

It is through moral intuition that the older moralists have declared the presence of proportionate reason in many a conflict situation. They have adopted a hierarchy of values in no other way than by intuition. How did they come to know that we can go to war in order to protect our political freedom? How did they discover that it is all right to sacrifice life for the protection of freedom? How did they conclude that in the case of an ectopic pregnancy the principle of double effect can be applied?

We have the capacity of perceiving certain values as soon as they are discerned for what they are. Discern what genuine human love means and you immediately grasp its absolute value and the duty to defend it against all attacks. Discernment of this kind includes conceptual as well as experiential factors. Once intuition into its worth is had, no further evidence is needed for affirming the intrinsic value of human love. No need is there to assess the consequences of loving in order to arrive at its absolute worth. To see its direct specifying object is to be before an intrinsic value. Basic values of life are always perceived through immediate intuition.

2) There is evidence of immediate intuition in the basic values like love, honour, compassion, sacrifice etc. For the perception of non-basic values the evidence of mediate intuition is necessary which is had by weighing the optimizing consequences of actions. As observed before, the absolute inviolability of human love is evident from the very understanding of what it is. The same cannot be said, for instance, of the absolute inviolability of human life. Just by understanding what human life is, we don't perceive its absolute inviolability, as in the case of human love. Simply from the understanding of human exis-

stence in this world its absolute inviolability is far from being evident. Over against this the absolute inviolability of human love is evident from the mere consideration of what it is. Similarly, the absolute value of social life is evident through immediate intuition just by a consideration of what it is. The same is by no means true of the absolute value of speaking accurately. We, therefore, need in this case, the evidence of mediate intuition through a consideration of the optimizing or non-optimizing consequences of speaking accurately. The absolute disvalue of lying becomes evident only after understanding the consequences of lying. Accordingly, when a simple understanding of the action fails to provide evidence of immediate intuition we need the evidence of mediate intuition by arguing from its optimizing or non-optimizing consequences. We assess whether the consequences of the action would or would not enhance the absolute values of love and human dignity already evident through immediate intuition. For instance, it is only from an evaluation of the non-optimizing consequences of lying that we can say it is wrong.

The morality of an action is always perceived through evidence either of immediate intuition into what it is or of mediate intuition by a consideration of its optimizing or non-optimizing consequences, i.e., consequences in terms of the absolute values of love and human dignity already evident through immediate intuition.

Not too many actions can be perceived as right or wrong through immediate intuition. For most actions we inevitably depend on the evidence of mediate intuition by the weighing of consequences for the determination of their morality. While most moral judgments are grounded on the evidence of mediate intuition through a consideration of consequences (consequential intuitive evidence) relatively few are based on the evidence of immediate intuition (non-consequential intuitive evidence). Undoubtedly, it was on consequential intuitive evidence that interest taking was condemned by the hierarchical magisterium until a few centuries ago. It was on the same evidence that it is permitted now. This change is by no means a reversal of the older norm based as it is on consequential intuitive evidence which varies according to situations. Experience had indicated that something different from the past was resulting from

interest-taking and hence the revision of the judgment thereon. Inasmuch as immediate intuitions are independent of consequences of actions, it is invariable. Dependent as they are on consequences, mediate intuitions do vary according to varying consequences. Different consequences will call for different mediate intuitions given the fact that such intuitions are responses to these consequences of actions.

3) We can hardly exaggerate the role of discernment of the spirits in detecting proportionate reason in conflict situations. Though principles and norms express the will of God in their own ways, the here and now will of God for us may go beyond these. It is incorrect to believe that God expresses His will fully and adequately through norms. Besides giving them norms, God is constantly active in the hearts and consciences of His people opening them to a fuller grasp of His overall salvific will.

A prayerful person alone has the necessary background for correct discernment of the spirits. As prerequisite for moral decision, nothing is better than a God-oriented disposition through prayerfulness. A prayerful person readily overcomes the numerous prejudices that overwhelm individuals and groups.

In the discernment of the spirits the experience of peace and consolation is a sign of God's good pleasure. According to Saint Ignatius, true peace and consolation comes from the Holy Spirit and can be regarded as a criterion in decision making. He Says: "being led through the educational experience of submitting to the movements of opposing spirits, it is finally into consolation that one must emerge, because that is the characteristic work of the spirit by whom we wish to be guided. It is characteristic of the good spirit, however, to give courage and strength, consolation, tears, inspirations and peace" (Exx 315).

4) In the process of discovering proportionate reason in conflict situations the time-honoured preference principles for the assessment of values are to be employed. Some of these principles are listed by Father George Lobo in his enlightening article appearing in this issue. A few more are added here.

First, the action that is preferred should be such as to serve to the maximum degree possible all the values in the situation. Second, every effort should be made to draw on the wisdom of tradition for dealing with similar situations. Third,

guidance is to be sought from mature and experienced persons to act as a safeguard against self-interest in a choice. Fourth, the full force of one's faith should be allowed to illumine the situation and inspire the option to be made. Fifth, the complete suppression of a right is more serious than its temporary suppression. Sixth, a value at least equal to that sacrificed should be at stake. Seventh, there should be no less harmful way of protecting the value here and now. Eighth, the manner of its protection here and now will not undermine it in the long run. Ninth, there should be an irreducible conflict of values. Tenth, there should be an obligation to act, i. e., there is a preference which urges one to act in the present. Eleventh, among the means, one must choose the least harmful, i. e., the one best calculated to protect all the values. Twelfth, the action should not amount to a denial of the values on the universal level.

An individual who follows these principles in a spirit of prayer is in fact doing his best for making a responsible decision in a conflict situation and can be assured that nothing more is expected of him by God.

d. Verification of Proportionate Reason in certain non-traditional Cases

As shown earlier, traditional moral theology has been using the principle of proportionate reason extensively. There is, however, a peculiarity in the use of this principle which consists in the total exclusion of the areas of innocent human life and sexual behaviour from the purview of this principle. When it came to these two areas the older moralists brought in an additional factor which seemingly served to make them wrong in themselves regardless of proportionate reason. As for killing an innocent human being, we were told that it is in itself wrong because of the lack of the right to do so (*ex defectu juris*). Only God is said to have the right to kill an innocent human being. Regarding sexual behaviour, say, contraception, the unnaturalness of the act (*contra naturam*) renders it wrong in itself. This unnaturalness is believed to consist in the frustration of the purpose of the sexual act which, according to them, consists in procreation. No direct actions in these areas, they argued, could be justified for proportionate reason because these actions are wrong in themselves. Indirect actions alone could be justified for a sufficient reason: ...

There seems to be no convincing reason for excluding these two areas from the scope of proportionate reason. The principle of proportionate reason is applicable to all cases with the possible exception of those that have God and human dignity as their immediate object. This is because there can never be a proportionate reason to warrant a right precedence over the rights of God and of human dignity. In all conflict situations these rights take precedence.

One would think that proportionate reason is verified, among others, in the following non-traditional cases. First, in the case of difficult pregnancy where the life of both mother and fetus are threatened if one of them is not taken. In this conflict situation the right of the mother to life nullifies the right of the fetus to life for the proportionate reason of saving the mother's life and a doctor taking the fetus's life is in no way committing murder; secondly, in the case of spouses who, for legitimate reasons, cannot have more children and who at the same time need to express their love to the full in conjugal intimacy. In this conflict situation the right of the couple to conjugal intimacy nullifies their right to sexual intercourse without artificial interference for the proportionate reason of promoting their love and their resorting to contraception is not morally evil; thirdly, in the case of a spy arrested in enemy territory and sure to be tortured with the third degree methods for the revelation of crucial military secrets regarding his country. Here the right of the spy not to betray his country as well as his right to flee inhuman torture nullify his right to preserve his life for the proportionate reason of not betraying his country and evading inhuman torture and his killing of himself is not wrongful suicide.

It is not necessary for a person to be guilty to lose rights. Accordingly, killing an innocent person is by no means necessarily murder. Whether or not there is murder depends on the presence or absence of his right to life, rather than on his innocence or guilt.

C. The Principle of Nullifying Right

The principle that is operative in conflict situations and guides conflict morality may be termed *the principle of nullifying right* and may be rendered as follows: *In a conflict situation, for*

proportionate reason, one right nullifies another and an injury inflicted in the area of the nullified right is merely a physical evil and never a moral evil.

There is nothing specially new in this principle for it is similar to the traditional principle of choosing the lesser evil. We were told by traditional moral theology that when confronted with two evils and we cannot avoid choosing one of them, we should choose what we perceive as the lesser of the two evils. By doing so we are not sinning forced as we are by circumstances to choose the lesser evil. It may even be argued that choosing the lesser evil is a virtuous action for we are avoiding what we perceive to be the greater evil. The above principle of nullifying right is in no way significantly different from the principle of choosing the lesser evil when worded positively as: when there is a conflict of duties one should choose the more urgent one.

D. Some Practical Implications

a. An Appraisal of the Principle: "The End Cannot Justify the Means".

1) We do not question the validity of this principle nor can we sensibly do so, because no end, however good, can make a morally evil means good. The violation of certain basic values of the human person (rights) can in no way be justified by the good result that may result therefrom. We have, however, some difficulty when applying this principle to concrete cases. This principle, for instance, does not tell us which actions are morally evil and which are not. If a physically evil action has already become morally evil, the end can do nothing to alter its morality. None the less, is it not possible for the end to intervene before a physically evil action turns into morally evil? The end assuredly cannot alter the morality of a morally evil action, it can definitely *determine* the morality of a physically evil action before it becomes morally evil. To put it concretely, the end cannot justify the morally evil action of murder, nevertheless it can determine the morality of the physically evil action of killing a man. If the end is legitimate self-defence, it renders the physically evil action of killing morally good; if, however, the end is anger or vengeance, this end turns the physically evil action of killing

into the morally evil action of murder. We have here an instance of an end *determining* the morality of a physically evil action.

2) A physically evil action becomes morally evil solely when it violates a right. It is the violation of a right that specifies a physically evil action as a morally evil action. A physically evil action together with the violation of a right transforms itself into a morally evil action. Prior to the violation of a right a physically evil action remains on the premoral level. When this action is performed for a good end, it turns into a morally good action. The older moral theology used to think that once the intending will performed a physically evil action, this action would always be morally evil. Only when the violation of a right is involved, does the intending of a physically evil turn into a moral evil. A violation of this sort materializes only in the absence of proportionate reason. Given proportionate reason, no violation of right is involved and consequently no moral evil.

Take the example of excising an organ for transplantation. Here the end of transplantation, far from justifying the morally evil means of mutilation, determines the morality of the premoral means of organ-excision. In this case, the right of one to be charitable nullifies one's own right to the integrity of the body and the excision that follows, far from being the morally evil action of mutilation, remains as the premoral action of organ-excision which is then determined as a morally good action by the end of transplantation. Again there is no question here of an end justifying a morally evil action but of an end determining the morality of a premoral action.

3) The difficulty with traditional moral theology was that it started handling categories of moral good and moral evil before ever relating them to violation of rights, the basis of moral evil. Accordingly certain actions were declared morally evil regardless of their violation or non-violation of rights. The end of procreation was good, but the means of artificial insemination even by husband was said to be wrong apart from its reference to right-violation. Before declaring actions as wrong we need to be clear that they violate rights. Or else we are hardly in a position to handle the category of moral evil.

Older moral theology made another serious mistake, that of describing the term "means" now in moral terms, with all its

morally relevant circumstances and now in physical terms, without all its morally relevant circumstances. Thus theft was described in moral terms in relation to its moral object as "taking of another's goods *against the reasonable will of the owner*" rather than in physical terms in relation to its physical object alone as "taking of another's goods". The morally relevant circumstance "against the reasonable will of the owner" was added. Once theft is described in this way in moral terms and in relation to its moral object, undoubtedly no end whatsoever can justify it. Evidently it is never permissible to appropriate another's goods against his *reasonable will*.

Consider now the way in which older moral theology described say, contraception. Contraception was described without its morally relevant circumstances unlike in the case of theft. It was described merely in physical terms and with reference only to its physical object as "any act of that frustrates conception". Couching contraception in moral terms and in relation to its moral object, we would have to define it in this way: "contraception is any act that frustrates conception *against the good of marriage*". All would agree that contraception described in this way in moral terms is never justified for it is always wrong to contravene the good of marriage.

Fairness and consistency demand that we describe all means in physical terms only or all of them in moral terms. It is misleading to describe some actions with their morally relevant circumstances as is the case in theft and some others without such morally relevant circumstances as is the case in contraception.

1) Never should we consider a means as morally evil unless it violates rights and this violation befalls only in the default of proportionate reason. Resist we must the temptation of characterising physical evils as moral evils before establishing the lack of proportionate reason. A person who exacts, for instance, human life for proportionate reason is in no way infringing the right to human life. Presupposing proportionate reason, the preponderant right is safeguarded and consequently there results moral goodness. A physical evil turns out to be a moral evil only if there is no proportionate reason for causing it.

The total object of an action cannot be identified with

its physical object alone. The physical object as such is far from being decisive in the moral domain. What is crucial here is the moral object inseparably linked with rights. The materiality of an action is far from its morality. Taking another's goods is, in itself, no more than physical object. If, however, such a taking implies an attack on his rights, it proves to be a moral object. Likewise uttering falsehood is merely a physical object. If such uttering threatens one's right to thrive in the community, it becomes a moral object. For establishing the morality of an action, it does not suffice to examine its physical object alone; an assessment of it in relation to the order of rights is essential.

5) In conflict situations the principle that the end cannot justify the means cannot be applied. This is not because the principle is defective but because there is no matter to which the principle be applied. The principle is applicable only where there are morally evil means, viz, morally evil actions. In a conflict situation an otherwise morally evil action ceases to be so because of the previous annulment of a right. Accordingly, the principle that the end cannot justify the means, is not applicable in conflict situations. Although an end cannot justify murder, it can determine the morality of killing a man. The end of legitimate self-defence determines the morality of the premoral action of killing a man and prevents it from becoming murder. The end cannot justify stealing but in a conflict situation the end of self-preservation can determine the morality of the physical action of taking another's goods and prevent it from turning into stealing. In these cases and in others that could be adduced, there is absolutely no question of an end justifying a morally evil means, but of an end determining the morality of a premoral means. The principle that the end cannot justify the means cannot, therefore, be invoked in conflict situations because the problem of the end justifying the means does not figure here. The problem, on the other hand, is that of the end determining the morality of premoral means and preventing it from becoming morally evil.

b. *A Reassessment of the Traditional Determinants of Morality*

According to traditional moral theology the determinants of the moral action are three, namely, the object, the motive and the circumstances. The object is that which is proposed to the will to be accepted as good or shunned as evil. It is that

to which the will immediately and primarily directs itself such as eating, playing, praying, etc. The motive constitutes the reason and purpose for acting, The conditions that are accidental to the substantial action, such as the status of the agent, the quality and quantity of the object, place, time, etc., constitute the circumstances. An action is said to be good only if it is good under all these three aspects. For an action to be good, the object, the motive and the circumstances have to be good.

We ask what is the moral determinant of these three so-called moral determinants. What is the moral determinant of the object, the motive and the circumstances? In other words, what makes the object, the motive and the circumstances morally good or evil? It is said that the object, the motive and the circumstances should be good. What makes them good? An object cannot specify itself as good, nor can motive and circumstances do so. Hence the moral specificative of these so-called moral determinants is outside of them. They themselves are to be determined morally before they can determine the morality of an action. What ultimately determines the morality of an action is the determinant of these "determinants", namely, respect of rights or their violation. An object is morally good if it safeguards a right: it is morally evil if it violates a right. Likewise in the case of the motive and the circumstances. They are morally good or evil according as they respect or violate rights.

Accordingly there is only one determinant of the moral action, viz. right-respecting or right-violation. The object, the motive and the circumstances are premoral prior to their right-respecting or right-violation.

An action that respects rights is according to right reason and an action that violates rights is against it. Rights and right reason constitute but one moral determinant because they are the different aspects of the same reality. The moral determinant considered ontologically would represent rights and considered psychologically and epistemologically would represent right reason. In ontological terms an action is morally evil if it violates a right; in psychological and epistemological terms, an action is morally evil if it goes against right reason. To violate a right is to act against right reason and to act against right reason is to violate a right. Similarly, to respect a right is to act according to right reason and to act according to right reason is to respect a right. Moral theology would do well to give more attention to rights and to right reason.

Conclusion

A few faltering steps have been taken to evolve a seemingly coherent theory that is applicable in every conflict situation. After discussing the relevance of conflict morality, the nature of moral evil was explored. What strikes this writer as the evident and practical final point of reference in regard to moral evil is self-destruction and consequent self-unfulfilment. Exploring further it becomes clear that self-destruction is the outcome of non-loving. Undoubtedly, love is the fuel of the human machine comparable to diesel in regard to the diesel engine. You disconnect diesel to the diesel engine and it stops functioning. In much the same way, you stop loving and you thereby stop living as a human being leading to self-atrophy and self-destruction. The fuel of love is never disconnected except through violation of rights. We never produce works of non-loving save through right-violation. In a conflict situation, given the nullification of a right in view of proportionate reason, an otherwise right-violating and therefore unloving action ceases to be so becoming a loving action leading to self-growth and self fulfilment. Proportionate reason is by no means the same as the "end" in traditional moral theology, nor is it identical with the consequences of consequentialism. The principle that is operative in conflict situations may be termed *the principle of nullifying right*.

This article is no more than an exploration and the views contained therein are offered to the public as tentative and therefore in need of refinement and even revision. Constructive criticisms and suggestions for improvement will be welcome.

The driving force behind these efforts to develop a theory of conflict morality has never been the desire to flee from the challenges of authentic moral living. It has been the keen desire to seek the true nature of the demands of God, our Father. In an age of particularly rapid changes such as ours, we are supremely conscious of the difficulties of our brethren in regard to making moral decisions. The creative response to the divine command of assisting our brethren in their anguishing moral difficulties is always a risk taken in love. Even in our love we remain finite and sinful and hence in need of divine forgiveness.

Moral Absolutes: towards a Solution

Problem of Moral Absolutes

Moral discourse is often fruitless because the participants have basic differences regarding the approach to moral decision. Not only is there varying emphasis on conscience or law, the subjective or the objective, value or norm, but the very validity of moral norms is understood in different ways by different people. During the past 15 years or so this matter is increasingly discussed with the focus on moral absolutes.

Traditional morality had taken for granted that there are natural laws that are *absolute* and *immutable*, not only regarding the first principles of morality like "good is to be done", but also with regard to specific matters like life and sex. It was said that there are certain types of actions that are intrinsically evil. According to this position there is a sharp distinction between *direct* and *indirect* voluntary. What is intrinsically evil may never be *directly willed* or *intended*. It may, however, be *indirectly willed* or *permitted* for a sufficient reason.

The traditional norms were the crystallisation of moral experience. They were the concretization of moral values as understood in a particular historical context. In course of time they were accepted as evident first principles, although some effort was made by discerning people to refine them in the course of time. Ecclesiastical authority at first proclaimed them as prudential norms. But gradually they took on the nature of objective absolutes. A whole edifice of casuistry was built on the so called *principle of double effect* regarding evil acts that are only indirectly willed.

Of late, there has been a strong reaction against this structure. Many factors have contributed to the rejection of absolute moral norms regarding specific areas of life and the development of a more "open-ended" ethic. a) It began with the questioning of the Church's stand on contraception and

sterilization. Absolutely excluding contraception in a world with an exploding population and the urgent need of effective family planning was spontaneously seen by many, even with the most refined moral sense, as just not reasonable. Questioning the absolute in this vital area paved the way to questioning absolutes in other areas also.

b) Excessive legalism of the older authors was seen to be incompatible with the Gospel imperative of love. An existential philosophy defining man more in terms of "creative freedom" than of permanent essences as well as a phenomenological mode of thought stressing immediacy of experience was bound to shake the foundations of an absolutist ethic. An evolutionary view of man and cultural pluralism further weakened the traditional stand. Above all, a personalist approach to morality led to the emphasis on human values rather than abstract norms. The biblical renewal and the more scripturally oriented Protestant ethic had also a considerable influence on the process.

At the present time five main positions may be isolated concerning the question of moral absolutes. Let me first mention two outer extremes which are not held by serious thinkers but which are often found among people.. On the one hand, we have those who are too prone to establish moral absolutes and who refuse to admit any refinement and development in moral principles. They are disturbed at the least questioning of traditional positions and see mortal sin, for instance, in the slightest sexual thought or act. They even tend to neglect the difference between the objective and subjective aspects of morality and thus materialize morality. Such a tendency is manifested by the question: "Is such and such an action a mortal sin?"

At the other extreme, we have people who despise all moral norms. They indulge in excessive situationism or arbitrariness under the guise of following the impulse of love.

Setting aside these extremes, we now have roughly *three views or trends regarding moral absolutes*. According to the first position, there are some moral absolutes whose deliberate violation would always be sinful. They are mostly in the areas of human life and sexuality. For instance, its defenders hold that masturbation is intrinsically a moral evil, although they would make room for the diminishing of responsibility, even to

the absence of all subjective malice due to the lessening or lack of knowledge or consent. Those who hold this view are open to some reexamination or refinement of traditional absolutes, but strongly believe that some absolutes have to be maintained. They would firmly defend the radical distinction between direct and indirect voluntary as well as the validity of the principle of double effect. This may be termed the *absolutist position*.

The second view would deny all externally or juridically defined absolutes and admit only those in the order of love, fidelity and commitment. Killing, extra-marital intercourse and so on would only be "physical", "pre-moral" or "non-moral" or "ontic" disvalues. They acquire moral significance only in relation to human intentionality in a given situation. They may be justified when chosen in order to avoid some more serious evil and hence the conscience would have the task of carefully weighing the relative values in a situation. This position may be called *relativist* or *consequentialist*. There is a wide variety in which it is presented and some of its defenders might vigorously decline such labels. Abandoning moral absolutes generally goes hand in hand with the rejection of the distinction between direct and indirect voluntary, and treating the principle of double effect as redundant.

There seems to be an unbridgeable gulf between these two positions. The first holds that there are intrinsically evil acts, and the second denies this. For some time it looked as if the first position would just become outdated and the second generally accepted. But now the matter does not seem to be of easy solution. Several recent writers on bioethics continue to adopt the absolutist stance and that too in the name of personalism. It must also be noted that the most recent documents of the Holy See on Sexual Ethics, Abortion and Euthanasia, not to mention *Humanae Vitae*, continue to speak in terms of intrinsically evil acts. If one were not to reject them summarily, there would be the task of interpreting them in a sufficiently flexible way. Hence there seems to be the need of attempting some reconciliation between these two conflicting positions. I am here suggesting only a general approach. I shall be avoiding reference to particular authors since they are legion and several of them have been modifying their positions. Some particularly important works will be indicated in the bibliography.

Evaluation of Absolutist Position

The absolutist position does provide security for some basic human values. Any weakening of negative moral absolutes is seen as the "thin end of the wedge" – first contraception, then abortion, then euthanasia, finally indiscriminate killing. Experience shows that there is much ground for such a fear. Widespread violation of human values and human rights naturally makes some people defensive and thus they tend to take refuge behind traditional moral absolutes.

However, the absolutists neglect the complexity of the human condition. They tend to see only one aspect of reality. Real life, especially in today's world, is full of tensions and ambiguities which cannot be just brushed aside. One is often faced with conflicting values. Today, often the choice is not between good and evil, but between good and good and between evil and evil. Hence upholding rigid absolutes gives the air of abstraction and alienation.

Recent ethical thinking has tried to face up to the challenge of making right ethical decisions in *conflict situations*. If law is understood as an absolute in itself, there is no proper solution to human conflicts. We are on the way to a satisfactory solution only when we recognize law as an expression of value. Biblical revelation, as in the matter of the Decalogue, makes it clear that behind every law, there is a value, which in turn is a specification of the supreme or all-encompassing value of love.

Traditional morality tried to express moral values in terms of fixed moral norms. In a static world, with rigid modes of thinking and stable social relationships and structures, past formulations seemed to be satisfactory. But in a fast moving world, with ever new problems and modes of thought, they need to be reappraised or redefined. Besides a particular norm is an expression of a particular value. So what happens when values conflict? It is not enough to be preoccupied with some values for which one feels special preference. A really authentic morality calls for the respect of all the values in a given situation. Traditionalists do not realize that they are overly subjective when they concentrate on some values to the neglect of others according to their subjective preferences even while claiming to uphold an objective order of morality!

As we shall see more clearly later on, the distinction between direct and indirect voluntary has its value. But if it is pressed too far, it leads to incongruous conclusions. A few may be mentioned here. In the case of an ectopic pregnancy in the fallopian tube, according to the traditional view, it would never be permissible to shell out the fetus to obviate the chances of a dangerous rupture, since this would amount to "direct" abortion. But it would be all right to excise the pregnant tube. The resulting death of the fetus would be "indirect" and justified in order to save the mother from the consequences of a dangerous rupture. This may look like a neat solution on the theoretical plane, but is not without serious difficulties. By removing the tube, not only would the fetus die, but the woman would have her fertility reduced and even entirely lost if the other tube is already damaged. Besides, in the process of excising the tube, as soon as the blood vessels are clamped, the fetus already loses its life! The death of the fetus is in fact prior to the excision of the damaged tube which would offend against the requirements of the principle of double effect.

Another case is that of the uterus of a pregnant woman affected by a dangerous tumour which is not amenable to treatment with the fetus in situ, so that unless the uterus is emptied, there is serious danger of both mother and fetus dying, while if the fetus is removed there would be a good chance of handling the malignancy. Older authors suggested that it would be licit to excise the uterus with the fetus ('indirect' abortion), but not merely to remove the fetus ('direct' abortion). But the question is not so simple. If the uterus is excised, not only the fetus will lose its life (although 'indirectly') but the woman would surely lose her fertility, not to speak of other dangers from radical hysterectomy. Detaching the fetus would of course kill the fetus; but it would provide a good chance of saving the uterus and the operation would be distinctly easier on the woman. Further, it is interesting to note again that the procedure of clamping the blood vessels before excising the uterus would immediately result in the death of the fetus! Thus, in fact, in the process of radical hysterectomy, the woman would be saved through an action that is directly death dealing to the fetus. Hence it follows that if the excision of a cancerous uterus with the fetus inside is considered licit, the lesser operation of merely removing the fetus should all the more be

considered permissible. Here again the distinction between "direct" and "indirect" abortion cannot be applied neatly. Pressed too rigorously, it results in an incongruous conclusion.

There is also the moral general case of "therapeutic abortion", or the termination of pregnancy when the woman is not able to sustain the pregnancy because of coincidental diseases like weak heart or renal defect. Here the dilemma is whether to directly terminate the life of the fetus or let both mother and child die. (It is not a question of preferring the life of one or the other as is assumed in a defective analysis). Fortunately, in modern obstetrics, such cases are increasingly becoming rare. But what if in some concrete case, the continuation of the pregnancy is judged to result in certain death of the mother, and consequently *also* of the fetus, while termination of pregnancy is foreseen to provide a good hope of saving at least the mother? According to the traditional way of thinking, even then abortion would not be permissible since it would amount to the direct killing of an innocent human being, while in the other alternative of non-intervention, one would be regretfully permitting both to die after having done everything possible to save both. This stand is based on the sharp distinction between direct and indirect killing, between active termination of life and letting nature take its course. That this firm stand has not been so heartless, as it seems at first sight, has been shown by the development of techniques that have greatly reduced maternal deaths during pregnancy. It is the obstetricians who have declined to perform any direct abortion that have also largely taken up the challenge of sustaining the pregnancy in spite of the pathology and have thereby been responsible for the immense progress in this field.

However, many honestly feel that in the case of a real dilemma, at least one life should be saved when it can be done by expelling the fetus. They may experience a veritable conflict of duties: on the one hand to respect the life of the fetus so as not to attack it directly, and, on the other, to save at least the mother's life when otherwise both would die. An obstetrician may sincerely feel that he is called upon to save at least the mother when the fetus is in any way condemned to die, even if this implies direct termination of the pregnancy. In such cases many think that the distinction between direct and indirect is rather artificial and should not be pressed at the risk of two lives being lost instead of one.

Further, there is a debate whether the effect of abortion in this case is really direct or indirect in the moral sense. There are some who maintain that when the good and evil effects are produced with equal immediacy, as they think is the case here, the good effect could be considered the sole object of the will, which the evil effect is merely permitted for a sufficient reason. There is some traditional foundation for this view. Thus it has been held that a mother who is drowning and cannot swim to safety without abandoning the child, may let go the child in order to save at least her life.

Thus we see that the distinction between direct and indirect voluntary is not so clear as it seems at first sight. Neither is it always helpful. It follows therefore that moral absolutes, if there are such, cannot be maintained with total rigidity.

Evaluation of Relativist/Consequentialist Position

Does this mean that moral absolutes could be entirely rejected? Is the distinction between direct and indirect voluntary without any moral relevance? Consequently, is the principle of double effect wholly redundant so that the sole criterion for moral judgment in conflict situations is proportionality or commensurate reason?

Consequentialists reject the traditional absolutist position on several grounds. It is said to be "physicalist" or "biologist" overemphasizing the importance of the *physical* effect in judging the *moral* value of the human action. The principle of double effect is said to fragment the human action. Thus in the case of abortion, the termination of the pregnancy is seen as a negative value completely divorced from the positive value of saving the life or another important good of the mother.

Against this, some consequentialists argue that the intermediate stages within an action taken in its totality are certainly voluntary, but they are willed only in relation to the ultimate purpose of the act. There is only one object, the vision which communicates its meaning to all the intermediate stages of the human act. But can this be said of such actions as killing of innocent children to undermine the enemy's morale?

Some others would grant the validity of the distinction between direct and indirect voluntary in the case of scandal and formal cooperation in a sinful deed since the sin of the other is

already a moral evil, but not in matters like killing which are held to be only premoral or physical evils. According to them, for a proportionate reason, we may not only *permit* such an evil (indirect voluntary), but we may will and cause a nonmoral evil (direct voluntary). In the latter case, they would say that the distinction is only descriptive and without any moral significance.

However, if one were to grant that there is a crucial difference between "intending" and "permitting" where evil is concerned, be it only in the case of scandal and cooperation, then one thereby implicitly recognizes that the will is related differently to what it intends and what it permits. This should logically hold good also for what is said to be nonmoral evil. Even in the latter case, it would seem that the same proportionate reason which would justify what is indirect evil would not necessarily justify what is direct evil.

Indeed, the universal consensus of mankind, expressed in the Geneva War Convention, holds that it can be permissible at times to attach a military target even though some non-combatants would be incidentally killed in the process, but it would never be permissible to make the enemy surrender or weaken his will to fight by making non-combatants the target of one's attack. One may say that it matters little to a person whether he is killed directly or indirectly! This is only a facetious remark. Many, even among those who reject moral absolutes recognize that the overall implications and repercussions of making a direct attack on human life are much more than those from positing an action that may incidentally result in the death of human beings. For instance, attacking innocent human life during war would totalize warfare and hence would lead to incalculable harm to mankind.

Therefore, some who are pure consequentialists in principle, still do admit "practical absolutes" or "virtually exceptionless norms" regarding certain violations of what they initially call premoral values.

From a teleological standpoint or the principle of proportionality, there would be the need for a greater reason to be directly involved in the evil. This is clear from the psychology of an ordinary person. A normal person has a different psychological awareness when the evil involved has no necessary causal

relationship to the good to be achieved (indirect voluntary) than when there is a necessary causal relationship between the immediate evil and the good ultimately intended (direct voluntary). Such a quasi-universal awareness is not without ethical significance. It seems to be traceable to the fact that an intending will is more closely associated with the evil, more willing that the evil result.

These reflections show that the consequentialist position needs refinement. On the other hand, as we have seen above, the distinction between direct and indirect is not to be overstressed. If one applies it too rigidly, one would come to incongruous conclusions and more, basically, one would land in legal ethics.

Hence we may conclude at this stage that the traditional distinction between direct and indirect voluntary is not as decisive as it was thought by absolutists, nor is it as irrelevant or redundant as it is sought to be made out by consequentialists. There seems to be the need for striking a middle path between these two extremes.

Validity of Moral Absolutes

Now we are in a position to tackle the initial question regarding moral absolutes. We have to reject the traditional position that there are moral absolutes whose deliberate violation would always entail personal sin. We cannot admit this position since it does not sufficiently take into account the complexity of the human situation. It is rightly considered too rigid and divorced from reality.

But can we just reject moral absolutes? Even a person-centred morality need not a priori exclude an absolute moral norm since it only implies that the essential nature and basic values of the human person are inviolable. The human person is called to tend to God, not only by explicit and direct relationship with Him, but also in and through the human moral act itself which specifies the basic dynamism of love. The concrete specifications of our moral activity are not the external physical structures or biological laws as such. They are the attitudes or intentionalities one adopts towards the personal significance discerned in them. Thus *life* as such is a premoral value; but *respecting life* is a moral value. Similarly death or loss of life as such is premoral value; but *deliberate killing* is a moral disvalue or evil.

Today a clear case of a moral absolute seems to be torture. It is true that torturing prisoners or "third degree methods" have become almost a routine in many countries. Some raise the question of torturing a "terrorist" in order to extract secrets concerning his accomplices so that innocent people or the public order may be defended. Others would permit even torturing a child if that could bring enough pressure on his father who is exercising tyrannical power over thousands. From a pragmatic utilitarian perspective it would seem that torturing one child would be justified by the saving of a whole nation or group from tyranny. But one may ask whether it would be worth saving a society that approved of torturing an innocent child for its wider interests.

Those who overstress intentionality in the evaluation of moral action and so affirm that moral absolutes regarding certain basic human values necessarily imply a "physicist" or "biological" view of man may themselves be manifesting an overly "spiritualistic" or "disincarnate" view of man. They may be implying, without being aware of it, that man is predominantly spirit and the morality of his activity is determined wholly by his spirituality-intentionality, whereas, in fact, man is essentially an incarnate spirit and hence his earthly life and other basic human values have a determinant role in his moral life.

The true significance of moral absolutes is that some modes of human activity are such that they cannot be positively and internally taken up into the dynamism of love. Thus one may want to show his love for a terminally ill patient by giving him an injection that will cause him to die without much pain. The act may seem only a material procedure that could be justified by the laudable intention of relieving him of agonizing pain. But in reality, with its intrinsic finality of causing death (*finis operis*), it is a direct attack on the most basic value of that person, his life itself, whatever might be the ultimate motive (*finis operantis*) of the agent.

Man inherits certain constants which moral reflection has disengaged from experience. These constants do not impede genuine creativity, for they call for realization in action, in the particular time and place where man is. Hence to go directly against one of the fundamental human values is to violate in varying degrees an actual or potential aspect of his personhood. From this we can see that to defend moral absolutes is not

necessarily to yield to "legalism", but to defend the person and his inalienable rights. Without some absolutes, the intrinsic good of the human person would not be safe from invasion and suppression under some pretext or other. The human person might just become a commodity or means to achieve some other objective.

One could argue that several lives are more important than one life. From this one could conclude that it is right to shoot a prisoner in order to induce him to reveal vital information that may save many lives in one's own camp. But if human life is considered a basic value in which every man participates, we would not so easily weigh lives against one another. According to a cold calculation it seemed that dropping an atom bomb on a whole town would induce such fear in the "enemy" that he would surrender and many precious lives of "our boys" would be spared. That Hiroshima and Nagasaki are not isolated aberrations is revealed by the whole logic of the so called "nuclear deterrent".

What is behind the time honoured principle: "the end does not justify the means" is that the violation of certain basic values of the human person cannot be positively justified as a good by saying that thereby some good result would be achieved.

Solution in Conflict Situations

However, admitting moral absolutes or that certain actions always entail moral evil is only one side of the matter. The complexity of the human condition confronts us with conflict of values. One may be faced with a situation in which he sees moral evil in either alternative. Older authors used to speak about this matter under the rubric of "*perplexed conscience*". They used to suggest that if the perplexity could not be resolved even after due reflection and consultation, one should *choose that which seems the lesser of the two evils*. No sin would then be committed because the person in the situation is not a free agent. He may even be assured that in avoiding what appears the greater evil and choosing the lesser he is doing right, and therefore, doing a good action.

The older authors used to add that such conflicts are only apparent and only on the subjective level. They were also prone to think that they were rare events and mostly arising from

error or a scrupulous bent of mind. This is natural given the self-assurance with which they used to handle moral problems. But now it is clear that moral conflicts especially in today's complex world, are very real and quite frequent. It is not only timidity or scrupulosity that causes perplexity but the real tensions of life. But the principle of "choosing the lesser evil" in conflict situations stands. Till now it was consigned to small print or a footnote and hence was often ignored. Now it needs to be highlighted.

In recent years, the principle has been resurrected by some European episcopates on the occasion of the controversy following *Humanae Vitae*. They have no hesitation in admitting the basic teaching of the encyclical that contraception is always a disorder and cannot be "positively justified" by any reason. However, while couples are obliged as far as possible to respect the openness to life of every conjugal act, they may also judge in conscience that they have to express their love through the marital act and may be unable to rely on the so called natural methods. In such a perplexity they may feel they have to choose contraception as the lesser evil.

Putting the matter more positively, one may be confronted with conflict of duties in which case one would have to choose that which appears, after due reflection, as the more urgent duty. We may also speak of the "law of growth" or the inability of realizing all the values involved in a given type of action immediately.

The primary norm of Christian morality is total love of God expressed in love of self and of the neighbour. Other universally binding moral imperatives that further specify this love can never adequately express the law of growth of a particular individual. As no one is bound to the impossible, no one can be held personally responsible for not actually realizing in every moral act all the moral values implicit in the situation.

As regards basic human intentionality or man's desire and will towards basic values, certain moral absolutes are always binding inasmuch as there is the obligation to strive towards their maximum realization and avoid as far as possible their contrary. However, the same moral choice may involve two or more values and it may be virtually impossible for the individual

to act in such a way as to correspond to all the values involved.

In order to live a mature moral life, 1) one must identify the basic moral values in the situation. 2) He must affirm everyone of them without picking and choosing and must have the true desire of realizing all of them as much as possible. 3) Even in the external order he must make every effort to implement all the values. When he cannot achieve all of them, he must realize at least the more basic and primary ones. 4) He must recognize in the tension situation his constitutive weakness. Still, he need not be afraid of committing personal sin, which is wilful infidelity to God's will. 5) Finally, each situation must be seen as a challenge to grow.

This approach to moral decision would need much more moral maturity than is displayed by those who see only one end of reality. Not only one must learn moral principles and norms, but one must be able to see the underlying values, to determine the hierarchy of values in a conflict situation and come to a serene and considered decision. One must also sincerely regret the loss of particular values, while at the same time not yielding to paralysing guilt feelings when one has done whatever is in one's power.

It may appear to some that the distinction between choosing a lesser "pre-moral" evil and lesser "moral" evil is only a quibbling with words. Some pragmatic person may say: "After all we need not strictly observe moral laws!", or in the matter of family planning: "After all it is allowed to use contraceptives!" But, in fact, the respect for moral values seems to be much greater when we see that the conflict is at the level of moral values. When a moral disvalue (disorder evil) is chosen, it is done regretfully (although not with scrupulosity) and the desire of avoiding it and of conforming to the objective norm is all the greater.

This has been amply verified in practice in the matter of contraception. Those who hold that contraception and sterilization are only pre-moral evils, on the whole have been much less eager to promote natural family planning. On the other hand, those who have held that it involves some moral disorder have been very keen on fostering a natural approach to

family planning which has now proved to be the one that is most conducive to human dignity and marital harmony.

On the other hand, traditionalists may find that the solution of "choosing the lesser evil" is an astute twisting of the divine law! This is perhaps because they are not willing to see all the aspects of a moral problem or all the values involved in a given situation.

Others are not comfortable with "choosing an evil", even though it may be "a lesser evil". This feeling is certainly understandable. Some of the difficulty would be removed if the principle were to be formulated in a positive way, namely, "in a conflict situation, one must choose the greater or the more urgent value". But there is need of facing the sinful situation of man in which evil, and moral evil at that, enters into human existence in insidious ways. In a purely individualistic conception of life, we could neatly separate good from evil. But the individual person is immersed in a social atmosphere where good and evil commingle. He can only try to avoid evil as much as possible and regret that it is inextricably mixed with his good actions. In Christian life there should be no place for pharisaic self-complacency nor for anxious scrupulosity.

If one is to act responsibly in conflict situations, one must be initiated in the use of the *preference-principles* for value assessments. Some of these may be mentioned here: 1) Other things being equal, a higher value deserves priority over a lesser value. 2) One must prefer the more urgent option, but in such a way as to make apparent one's continual preference for the values which in themselves are higher in degree. 3) At times one must give preference to a more basic value, even while continuing to acknowledge the higher as higher, e.g., one must feed a starving man before preaching to him. 4) The common good is to be preferred to the good of the individual, with great care, however, to avoid the danger of collectivism. 5) Other things being equal, we should prefer the good of those with special claim to our responsibility. 6) The degree of probability of realizing a value in one's action must be taken into account. 7) The attainment of a value in the long run must be weighed. 8) The influence of one's action over the conduct of others must be considered (principle of generalizability). 9) At times one has to ask what would happen to society if everyone were

to perform a similar action in a similar situation (principle of universalizability).

A Christian will carry on such an evaluation in a spirit of prayer. The rational reflection will be a part of a wider spiritual discernment since what is ultimately at stake is the discovery of God's will in the given situation.

Conclusion

The old rigid way of understanding moral absolutes does not do justice to the conflicting values in human life. To that extent a certain relativity of the natural or moral law has to be admitted. On the other hand, the opposite tendency of just rejecting moral absolutes seems to weaken a respect for certain basic human values. A certain middle path has to be discovered. It may not be entirely satisfactory but it seems the only way of doing justice to the moral order. It also points to a morality of growth.

Full Christian morality is only the term of a long and laborious process. Real progress does not consist in immediately resolving all doubts and acquiring a sense of self-righteousness. It is in accordance with the realities of the human existence to acknowledge that we are imperfect and involved in a sinful situation. The primary aim of the adopted children of God is not to "settle accounts" with God but to surrender themselves more and more in faithful love to the merciful Father. What is above all needed is openness to grace and the desire to love.

Such a conception of the moral law might not provide total clarity nor a basis of self-righteousness, but it points the direction to a mature pursuit of human values. The law cannot provide total security, but only a prop or a pedagogical help. A discerning conscience has to function amidst conflicting human values and duties.

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Cognitive Development: Sword to cut Moral Gordian Knots?

The purpose of moral decision making is supposed to be to avoid evil and to do good. There are, however, situations when such decisions hang on the horns of a dilemma, and we are apparently faced with a choice between decisions that are equally undesirable. The following story illustrates such a situation: In a distant town, a woman was near death from a special kind of cancer. There was one drug that the doctors thought might save her. It was a form of radium that a druggist in the same town had recently discovered. The drug was expensive to make. The druggist paid Rs. 200 for the radium and charged Rs. 2000 for a small dose of the drug. The sick woman's husband, Raju, went to everyone he knew to borrow the money, but he could only get together Rs. 1000, which is half of what it cost. He told the druggist that his wife was dying, and asked him to sell it cheaper or let him pay later. But the druggist said, "No, I discovered the drug and I'm going to make money from it". So Raju gets desperate and considers breaking into the man's store to steal the drug for his wife.¹

In this situation, if Raju does not decide to take the medicine in order to give it to his wife, he will be showing negligence to the life of a human being, and thus be valuing property more than life. If, on the contrary, he decides to break in and take the medicine, he will be violating the property rights of another person.

To cut such Gordian knots in moral decision making process, moral philosophers and theologians have been busy finding out new principles and formulas, or refining the old ones, as the preceding two articles of this issue of *Jeevadhara* describe. Meanwhile, psychologists have been trying to solve this problem from a different angle. Lawrence Kohlberg of Harvard University, whom the famous Social Psychologist Roger Brown considers the only psychologist who has seriously studied what is specifically moral and invented techniques to investigate it,² is the main proponent of this approach. According to him, the clue to the handling of such conflict situations does not lie in a new principle or formula, but in the cognitive development or maturity of a person.

Moral Conflicts as Conflicts of Rights

Kohlberg believes that every moral conflict involves a conflict of different rights of people. This conflict can be resolved

if the rights of everyone involved can be protected. It is only through the application of the principle of justice that this can be achieved. By 'the principle of justice' Kohlberg understands "the distribution of rights and duties regulated by concepts of equality and reciprocity".³ For him the principle of justice is the only indicator of "the rationality or correctness of a moral judgement". Kohlberg's presupposition is that there is a principle which is at work in every moral judgement. An act becomes morally good or evil only with reference to this principle, and every morally good act is an application of this principle in a concrete situation. This principle was conceived differently by different thinkers: It was the concept of rule and respect for Kant, Durkheim and Piaget, the consequences to welfare of others for Mill and Dewey, an idealized moral self for Bradely and Baldwin. Even religions have tried to present such a unifying principle for their moral vision: it is the law of Love for the Christians, *Karuna* for the Budhists and *Ahimsa* for the Hindus. For Kohlberg this unifying principle is supposed to be the principle of justice: "We claim that the most essential structure of morality is a justice structure."⁴ Here Kohlberg claims to be in the Platonic tradition of considering virtue to be ultimately one, not many: "It is always the same ideal form regardless of climate and culture, and its name is justice."⁵

Justice as a Developmental Mental Structure

If it is principles of justice which are at work in every moral conflict, one might ask, now is it that these principles do not succeed in solving the moral conflicts on certain situations? Why is it that new principles are called for to solve such conflicts? According to Kohlberg it is not new principles that we need on such occasions; on the contrary, it is a maturing of the mental (cognitive) structures which will enable a person to apply principles of justice properly to concrete situations. This ability to grasp and apply justice principles to concrete situations depends on the cognitive structural development. It is lack of this development that makes the resolution of some moral conflicts difficult for certain people. For someone whose cognitive structural development is complete, there should not be any conflict which cannot be solved through the application of the principle of justice.

Jean Piaget's Cognitive Developmental Theory

Here Kohlberg is evidently drawing his inspiration from Jean Piaget's cognitive developmental theory. According to this Swiss Psychologist, basic to human development are transformations of cognitive structures. The structure refers to the complex internal organization of the cognitive system, or "to the rules for processing information or for connecting experienced events".

The cognitive structure is not viewed here as passive juxtaposition of events through association or repetition, as the behaviourist psychologist would hold. It is an active organization, connecting or relating environmental events through selective and active processes of attention, retention and production. It is not directly observable. The only means of reaching and understanding the structure is to infer it from the *content* of cognition. The content of cognition is "the raw uninterpreted behavioural data". The judgement, e.g., "That is a poisonous snake" and the attempt to run away from it, are examples of the content of cognition. The content, therefore, is perceivable and communicable. The structure which underlies the content explains why this content rather than some other content has emerged.

Cognitive structures are *developmental* realities, and as such they result from the interaction of the cognitive structure and the outside environment, not from direct learning (as when one learns to play the violin), or from maturation (as when a child starts walking). The interaction between the structures and the environment leads to transformation of the existing cognitive structures. As a result, gradually they become *qualitatively* different from the previous structures; when a structure becomes qualitatively different from the previous one, Piaget considers it a separate stage. Only if a person goes through such qualitatively different stages of cognition, can one speak of "developmental" stages. If the difference is merely quantitative, they could very well be the direct result of adult teaching. In this case they would be copies of adult thought right from the start: qualitatively the same, quantitatively incomplete or imperfect. Piaget sees a real qualitative difference between the child's way of thinking and the adult's way of thinking. Therefore, he can speak of *developmental* stages.

There are four such stages in every person's cognitive development, according to Piaget, from birth to maturity. They are: The sensory-motor period, preoperational period, concrete operational period and formal operational period. Here it suffices to know that each of these stages shows hierarchically a more differentiated and integrated cognitive organization and a more balanced organism-environment relationship.

These stages, since they are *developmental*, emerge in an unchanging and constant order or sequence. This means that Stage 1 must appear in every individual before Stage 2. Nobody can skip any of these stages, and pass, for example, from Stage 1 to Stage 3 without passing through Stage 2. If the stages are not invariant, they can be considered as different types of cognitive organizations, each of which is developed independently of the other, either through maturation or through learning

from society. Another characteristic of the developmental stages is that the structures defining the earlier stages become integrated or incorporated into those of the following ones. In other words a higher stage and a lower stage do not co-exist as two separate entities in the development. The higher stage integrates into itself the structures found at a lower stage in a new level or organization, and becomes more differentiated and integrated. Thus each stage can be considered as an integrated whole (*structure d'ensemble*), that is to say, once a stage is established, its characteristics and properties will cluster together in interdependence to form a structured whole, thus forming a totality, not isolated thinking patterns.

Horizontal Decalage

The cognitive structure characteristic of a new stage may spread to different kinds of tasks only gradually. Piaget calls this phenomenon *horizontal décalage*. It refers to the gradual application of a new structure across a variety of tasks which may be achieved only in succession. An example of horizontal-décalage is the application of the cognitive property called 'conservation' to quantity and weight: 'Conservation' refers to the cognitive ability to recognize that the quantity or weight of an object remains the same even when its shape changes. Let me illustrate this point with one of Piaget's experiments. Take two identical glasses containing identical amounts of 'Thums Up'. Pour the 'Thums Up' from one of the glasses into a third, taller but narrower glass while a four year old child is watching. Ask the child if one of the glasses now contains more 'Thums Up' than the other. The child's reply will be that the taller glass contains more drink. This shows that the child's cognitive structure does not possess the quality of 'conservation'. But an older child would easily understand that the quantity is the same although the level has risen, because he has the quality of 'conservation' in his cognitive structure. The ability to recognize that the weight also remains the same, even though the shape changes, involves the same quality of 'conservation' (e. g. which is heavier: one pound of iron or one pound of cotton?). But it has been seen that the application of this structure to weight takes place only a year or two after conservation of quantity is established. It follows from this that although an individual can be described to be in a particular stage of development he may not be able to perform within that stage structure in all cognitive tasks.

Cognitive Development and Moral Development

In a study published in 1932⁸, Piaget tried to show how the cognitive structural development is responsible for children's moral development from a heteronomous stage to an autonomous

stage. It was an elementary study compared to Kohlberg's more comprehensive studies on moral development. Kohlberg maintains that the ability to make adequate moral judgements requires a fairly high degree of cognitive development. In other words one has to be cognitively developed in order to be morally developed, though Kohlberg admits, by itself cognitive development does not guarantee moral development: cognitive development is necessary but not sufficient for moral development. Kohlberg is not using the term 'morality' to refer to the correspondence between one's conviction and action, or between a norm and action. For him morality refers to a person's ability to make *just* decisions in a conflict of rights. Only a morally developed person can solve all the moral conflicts by applying the principles of justice properly. Such a person should be able to solve all moral conflicts in a way that it does justice to everyone involved. Thus Kohlberg wants to prove that morality is a genuine developmental trend: "If a single or multiple sequence of stages intervening between a morality and full morality can be isolated, each stage showing its own more or less qualitative forms of continued naïveté together with new advances toward higher stage then we may have some confidence in morality as a genuine developmental trend".⁹ On the basis of his research Kohlberg claims that moral development takes place in six stages in the sequence he describes it, and that there could be no other developmental stages than these. The six different stages of this development are the following:

Stage 1: Heteronomous Morality (The punishment and obedience orientation). The physical consequences of action determine its goodness or badness regardless of the human meaning or value of these consequences.

Stage 2: The instrumental-relativist orientation. Right action consists of that which instrumentally satisfies one's own needs and occasionally the needs of others.

Stage 3: The interpersonal concordance or "good boy"-"nice girl" orientation. Good behaviour is that which pleases or helps others and is approved by them.

Stage 4: The Social System and Conscience orientation. There is orientation toward authority, fixed rules, and the maintenance of the social order.

Stage 5: The Social Contract or Utility and Individual Rights orientation. Right action tends to be defined in terms of general individual rights, and standards that have been critically examined and agreed upon by the whole society.

Stage 6: The universal-ethical-principle orientation. Right is defined by the decision of conscience in accord with self-chosen ethical principles appealing to logical comprehensiveness, universality, and consistency. The principles are abstract and ethical

(the Golden Rule, the categorical imperative); they are not concrete moral rules like the Ten Commandments. At heart, these are universal principles of justice, of the reciprocity and equality of human rights, and of respect for the dignity of human beings as individual persons.

Since the core of morality is, according to Kohlberg, the justice structure, these stages of moral development are to be seen as the stage of justice development, for, justice is "present at the birth of morality and at every succeeding stage and takes on more differentiated, integrated and universalized forms at each step of development".¹⁰

Role taking and justice

Since Kohlberg considers all moral conflicts as conflicts between competing claims of persons, the precondition for the resolution of these conflicts is the ability to show a concern for the welfare consequences by being able to empathize and take the roles of other persons. It is only by standing in the other person's shoes that we can give him his due, by treating everybody's claim *equally* regardless of the person (distributive justice) or by maintaining *equality in exchange* (commutative justice). One can quote Paul Tillich to support this view: "The idea of justice, the various forms of equality and liberty, are applications of the imperative to acknowledge every potential person as a person".¹¹ The social perspective of each stage which gradually enables one to develop better role-taking ability is described as follows:

Stage 1: Ego-centric point of view. Doesn't consider the interests of others or recognize that they differ from the actor's; doesn't relate two points of view. Actions are considered physically rather than in terms of psychological interests of others. Confusion of authority's perspective with one's own.

Stage 2: Concrete individualistic perspective. Aware that everybody has his own interest to pursue and these conflict, so that right is relative (in the concrete individualistic sense).

Stage 3: Perspective of the individual in relationships with other individuals. Aware of shared feelings, agreements, and expectations which take primacy over individual interests. Relates points of view through the concrete Golden Rule, putting yourself in the other guy's shoes. Does not yet consider generalized system perspective.

Stage 4: Differentiates societal point of view from interpersonal agreement or motives. Takes the point of view of the system that defines roles and rules. Considers individual relations in terms of place in the system.

Stage 5: Prior-to-Society perspective. Perspective of a rational individual aware of values and rights prior to social

attachments and contracts. Integrates perspectives by formal mechanisms of agreement, contract, objective impartiality, and due process. Considers moral and legal points of view; recognizes that they sometimes conflict and finds it difficult to integrate them.

Stage 6: Perspective of a moral point of view from which social arrangements derive. Perspective is that of any rational individual recognizing the nature of morality or the fact that persons are ends in themselves and must be treated as such.¹²

The Sixth Stage: Conflict-Solver

Kohlberg maintains, therefore, that moral judgement is a role taking process, which has a new logical structure at each stage, and that this structure is that of justice. That at each stage it becomes progressively more comprehensive, differentiated, and equilibrated than the prior structure. At the apex of moral development, at Stage 6, the sense of justice becomes clearly focused on the rights of humanity, independent of civil society, and these rights are recognized as having positive basis in respect for the equal worth of human beings as ends in themselves. It would be interesting to see how the worth of human life is conceived, in relation to Raju's dilemma presented at the beginning of this article, and how each successive stage presents a better idea of justice principle:

Stage 1: There is no differentiation between the moral value of life and its physical or social-status value.

Stage 2: Value of human life is seen as instrumental to satisfaction of the needs of its possessor or others. Decision to save life is relative to, or to be made by its possessor. (Differentiation of physical and interest value of life, of its value to self and to others.)

Stage 3: Value of a human life is based on empathy and affection of family and others towards its possessor. (Value based on social sharing, community, love; differentiated from instrumental and hedonistic value applicable also to animals).

Stage 4: Life is conceived as sacred in terms of its place in a categorical moral or religious order of rights and duties. (Value in relation to a moral order, differentiated from value to specific others in family, etc. Value still partly dependent, however, upon serving the group, the state, God, etc.)

Stage 5: Life valued both in terms of its relation to community welfare and in terms of being a universal human right. (Obligation to respect the basic right to life differentiated from generalized respect for the socio-moral order. General value of the independent human life is a primary autonomous value, not dependent upon other values.)

Stage 6: Human life is sacred because of the universal principle of respect for the individual. (Moral value of a human being, as an object of moral principle, is differentiated from a formal recognition of his rights.)¹³

Kohlberg's claim is that only at Stage 6 can one solve the moral conflicts harmoniously and justly. He even maintains that all conflicts can be solved if one reaches the highest stage of moral development. The stage 6 principles can be used, according to him, "to achieve an integrated moral choice in concrete situations of conflict".¹⁴ This is because at Stage 6 these principles become completely *universalizable* and *reversible*, which makes an equilibrated role taking possible.

At stage 3, we saw that Golden Rule ideal role taking does not achieve an equilibrated solution, that is, one that is completely reversible so that, in case of a dyad, both actors can switch places and get the same solution. (If a richer man gives all he has to the poor, he has followed the Golden Rule but he has not arrived at an equilibrated solution.) In contrast, equality or justice, is a reversible solution to problems of distribution, of when and how much one person gives to another. One element of such reversibility is contained in the notion that duties are correlative to, or reciprocal of, rights. One has no duty where a corresponding person has no right. Another element of reversibility is the recognition that a right implies the duty to recognize that right in others. Only claims which are reversible are valid. Stage 5 recognizes this in the notion that (a) the rights (liberty) of others limit the rights (liberty) of the individual, and (b) an individual who transgresses the rights of others can make no claim to have his own parallel rights respected. But at Stage 6, these notions are developed in a more positive sense. A just solution to a moral dilemma is a solution acceptable to all parties, considering each as free and equal, and assuming none of them know which role they would occupy in the situation.¹⁵

Therefore, Kohlberg concludes, that in situations of conflicting claims, the only valid claims are those consistent with recognition of the related claims of others. "A claim is final only if one would uphold it as final no matter which role in the situation one were to play, and only such claims define duties".¹⁶

According to Kohlberg's theory, the sword that can cut Gordian knots in moral decision making process is not any new principle or formula, but a person's cognitive developmental maturity which enables him to apply principles of justice in a completely universalizable and reversible way by way of an equilibrated role taking in conflict situation.

How sharp is Kohlberg's Sword?

Is the cognitive development which is betrayed in the sixth stage of moral development sufficient to solve all the moral conflicts, as Kohlberg claims? Is Justice, as Kohlberg defines it, an all comprehensive unifying principle in morality? In the light of the research I have carried out into Kohlberg's theory,¹⁷ it is my contention here that justice, as Kohlberg understands it, cannot be a viable unifying principle of moral life, and it cannot solve any and every problem in an ethical way.

No Successor to Platonic Apostolicity

After defining justice as "the distribution of rights and duties regulated by concepts of equality and reciprocity", and upholding it as the core principle in morality, Kohlberg claims that he is in the Platonic tradition of considering virtue to be ultimately one, and not many, and that virtue is justice. Any student of Plato's philosophy would immediately know the difference between Plato's use of the term justice and Kohlberg's. For Kohlberg, justice refers to distributive and commutative justice directing conflict between people. When Plato claims virtue to be one - justice - he is using it analogously. He saw that it is principles of justice that makes life harmonious between the three parts of the state. This is what he considers as 'state justice' (equivalent to Kohlberg's use of the term justice). The harmonious life that exists within the soul is seen by Plato as analogous to social harmony existing in the state. Whatever produces that harmony in the soul is called by him *justice*, which for him, is an unspecialized virtue which includes "all demands on a virtuous man". The analogy here results from the effects: harmony in the state is the effect of 'state-justice', whereas harmony in the soul is the effect of 'psychic (soul) justice'. To interpret it as meaning distributive social justice is to do Plato a disservice. To be a Platonian, Kohlberg should have based his morality on this virtue of 'soul-justice', which is closer to the *dikaioσύνη* and *Sêdâgâh* of the Bible and the *Dharma* of Hindu religion, than to distributive-commutative justice of Kohlberg.

Stages of Justice?

Even if justice, as Kohlberg defines it, can be admitted, for argument's sake, to be operative in the various stages of moral development, he has not shown convincingly how many of these stages are related to his justice principle. Only a strong imagination and incredibly far-fetched reasoning could enable one to see justice at work, e. g. in Stages 1 and 2, even if Kohlberg's definition of justice as 'giving each person his due' is accepted. People at Stages 1 and 2, according to Kohlberg

himself, think in terms of self-interest, reward, punishment, power, might and favours. How can moral logic such as this be considered part of the principle of justice? A moral judgement which holds: "you can steal another's property if it is good for you" (stage 2) betrays the absence of justice rather than its presence in Stage 2.

Sixth Stage Justice: a Panacea?

Kohlberg's claim that the sixth stage, as a stage of the perfect justice principle, can solve all moral conflicts, and therefore is the culmination of moral development is also worth examining.

At the very outset one must question whether morality can be identified with conflict-solving. In my own research I came across a Hindu Philosopher, who considers moral laws to be conducive to the development of the soul and not as problem-solving devices. He invited my attention to the fact that the Raju-dilemma is an everyday occurrence in an Indian context, where lack of money prevents many people from getting adequate medical care and leads to many an untimely and early death. "Why are the people who are for breaking in and stealing the drug from the drug store reluctant to recommend robbing a bank or the government treasury in this situation"?, he asked. Morality and its principles enable people to work for the 'development of the soul' even in these situations where there are no answers. Thinkers like Von Hügel who find three stages in religious and moral development—the institutional, the rational and the volitional—would inevitably be unable to see how Kohlberg's justice-centred, problem solving morality could answer the needs of "interior sustenance and purification".¹⁸

It is also questionable whether the highest sense of distributive justice is needed to solve moral problems in an intellectually satisfactory manner. One example from my research illustrates this point. An 8 year old Muslim boy, faced with the dilemma of Raju having to steal in order to protect his wife's life, came out with this ingenious solution: "Give your (Raju's) wife to the druggist, who will then give her the medicine and cure her, so that he can have her as one of his wives". This so-called 'First stager' has solved the problem in a cognitively satisfactory way within the stipulations of Islamic justice. When I pointed out to him that it is Raju's wife, and how could he, therefore, give her away to another man, the boy replied: "If you love your wife, you want her to live, somehow or other; you would not want to keep her to yourself and let her die".

On the other hand, are the so-called sixth stage solutions really ideal and just solutions? It will be interesting to examine

some of the sixth stage solutions to moral conflicts that are recommended by Kohlberg himself. To show how the sixth stage solutions are superior to all other solutions, he has of late created a few dilemma and discussed them with different 'philosophers'. *The Captain's Dilemma* is such a one:

A charter plane crashed in the South Pacific. Three persons survived, the pilot and two passengers. One of the passengers was an old man who had a broken shoulder. The other was a young man, strong and healthy. There was some chance that the raft could make it to the safety of the nearest island if two men rowed continuously for three weeks. However, there was almost no chance if all three of the men stayed on the raft. First of all, the food supply was meagre. There was barely enough to keep two men alive for the three week period. Second, a storm was approaching and the raft would almost certainly capsize unless one man went overboard. This man could not cling to the raft and in all likelihood, would drown. A decision had to be made fast. The captain was strong and the only one who could navigate. If he went over there was almost no chance the other two would make it to safety. If the old man with the broken shoulder went, there was a very good probability, about 80%, that the other two could make it. If the young man went overboard and the old man and the captain stayed changes were a little less than 50/50. No one would volunteer to go overboard.

1. What should the captain do? Should he:
 - a) order the old man overboard?
 - b) should they draw straws? (Note: the captain has the option of including himself in the draw or not)
 - c) let all three of them stay? ¹⁹

Kohlberg's solution starts with a cogent plea for not ordering the old man overboard. (It is very clear here that he presupposes that the 'natural' tendency would be to order the old man overboard. It may be true in a production-oriented society and culture where youth and health are valued as supreme; it would be different in a society where one has to find reasons for not asking the young man to leave the raft!). He is also against anyone volunteering to sacrifice his life for the other two, because in that case the volunteer is not getting his due (justice). His preferred sixth-stage solution is to draw lots, where everyone has a 50% chance of surviving. He is also against all three deciding to stay on the raft and hoping for the best, or each one encouraging the others to stay alive and in turn volunteering to sacrifice his life for the others.

Is Kohlberg's solution a morally superior solution? A closer look at it betrays an attitude of evaluating human lives on

the basis of number and length of time; that two lives lived for a number of years is better than three lives lived (in a spirit of mutual encouragement, self-sacrifice and love) for an uncertain, presumably short, period. Such a quantitative appreciation of human life is according to Kohlberg's own theory a first or second stage morality, where physical qualities determine the value of human life! What Puka said about the sixth stage is worth quoting here: "Stage 6 is half way to 12, and Stage 12 is just the beginning".²⁰

In a passage where Kohlberg deals with a sexual dilemma, it is unwittingly revealed that his sixth stage of moral development cannot solve all moral problems. The dilemma is the following:

A boy and a girl fall in love in high school and get married right after graduation. They never had sexual relations before marriage. After they are married the girl finds that she doesn't like having sexual intercourse, it just makes her feel bad and she decides not to have intercourse with her husband. Reluctantly her husband persuades her to go to a marriage counsellor and she asks the marriage counsellor, "Do I have an obligation to sleep with my husband, we want to stay married but do I have an obligation to sleep with him"?

What should the counsellor say? Does she have an obligation to or not?

Then we go on. The wife says she wants to stay married and the husband says the same thing, but goes on to say, "I met another girl and I want to have sexual relations with her. I asked my wife if she minded since she wouldn't sleep with me, if I slept with somebody else and she said, 'No, it wouldn't bother her'. It is alright for me to sleep with this other girl or would it be wrong to?"²¹

Kohlberg's solution to this problem demolishes all his claims about his sixth stage morality. He says:

The dilemma about sex is different from the dilemma about life. The real problem is that *nothing has been specified* in this situation. There really is nothing in the act of sex, per se, which is right or wrong. *We haven't been given what we need to determine rightness or wrongness of a choice from a moral point of view.* We're not clear what the implications of this act are in terms of respect for persons, equity or human welfare in these situations. As a result, we can't define clear obligations or rights or wrongs though the situation isn't morally neutral. (*italics mine*).²²

Kohlberg admits here that his sixth stage justice principles are at a loss when confronted with this issue, because "nothing has been specified": By whom? "We haven't been given

what we need to determine rightness": By whom? He is looking for direction from some one else, because his Sixth Stage justice principles cannot solve it. Is this not what he means by a heteronomous moral stage where right and wrong are decided by someone else rather than the person involved? Sixth Stage structures which are supposed to be consistent (implying no conflict with other principles), reversible (applicable to all the parties involved), and ultimately equilibrated (providing solutions to all conflicts) fail here because of the absence of Philosophical or moral directives regarding the nature and purpose of sex!

Kohlberg's confusion regarding this sex dilemma points to two conclusions: 1) that cognitive development affects the different moral issues in different ways, 2) that the existence of moral stages as structured wholes (*structured' ensemble*) enabling a person to deal with all moral issues in more or less similar way, is doubtful.

Cognitive Development and moral conflicts

These are some of the criticisms of Kohlberg's theory. The fact that Kohlberg might have used the cognitive developmental theory to justify some of his unproven assumptions does not, however, disprove the basic tenet of the cognitive developmental theory of Piaget that cognitive structural development affects the moral thinking, and thus the ability of a person to solve the conflicts. On the basis of a research conducted on the structural properties of moral thinking among Christians, Hindus and Muslims of Kerala, using Kohlberg's testing and scoring methods,²³ I have come to the conclusion that the way people deal with moral conflicts is related to their cognitive developmental stages as described by Piaget. The different developmental patterns that were noticeable in dealing with the moral dilemmas can be described as follows:

1. The inability to comprehend and deal with the conflict:

A few subjects had no difficulty in dealing with the dilemmas. When presented with the Raju-dilemma, for instance, and asked if he should steal the medicine, they insisted that he should not, because it would be a violation of the law, or because he would be punished etc. But later on, when I attracted their attention to the fact that the wife's life was in danger, they insisted, without any difficulty, that Raju should save his wife's life by stealing. In the same way others, who first thought Raju's duty was to save his wife by stealing, reversed their opinion when reminded of the law not to steal. The following cases illustrate this point:

M4:²⁴ Q. Should Raju steal the medicine?

A. Raju has a duty to steal the medicine because he is a poor man.

Q. What about the law not to steal?

A. The law should be obeyed. Then Raju should decide not to have the medicine because he has no money.

H2: Q. Should Raju steal the medicine?

A. Raju should not steal the medicine because it belongs to others. If you take it, you will lose four-fold. That is general experience. I am not allowed to take things stolen from others home. Daddy would beat me.

Q. What about his wife's life?

A. Yes, you can steal in order to save the wife's life. Because nothing is as great as life. Unless you have life, you can't do anything.

One interesting trend here is that all of these subjects were from the middle childhood group. Therefore it must be concluded that they are showing some vestiges of preoperational thinking, such as centration and transductive reasoning. Only an isolated part of the problem is seen by these children. They can only deal with one problem at a time. This must account for the inconsistencies and mutually contradictory answers they give to the problem.

2. *Choice of one principle over the other with the clear indication that one of these principles has to be 'violated' in order to protect the other:* Many individuals showed this attitude. They could deal with two or more issues involved in the conflict. But the only way to solve the conflict was to 'discard' or 'violate' some of these principles. For example, C2: "Raju should not steal the medicine, because stealing is a sin. Later/... Raju's wife's life is important because she is his wife; still, he cannot steal because it is a sin". C4: "Raju's wife's life is important because she is going to die. If she dies Raju will be sad and he will have no companion. Still he cannot steal the medicine". H7: "Raju's wife's life is important because there should be some one to make rice and curry. Still he cannot steal because God will punish him". M38 makes it very clear that the resolution of this problem is only possible by violating a law and thus incurring sin: "At the last moment you have to steal to save a life. And then you should ask for pardon from God for the wrong you did. "This conviction that the violation of the law is wrong even when stealing the medicine for the wife is recommended, is made especially clear when this dilemma is followed up in Dilemma III', which discusses the question whether Raju should be punished or not. Many individuals who actually

recommended the stealing indicated that he should be punished because he committed an 'offence'.

This type of moral thinking betrays some characteristics of concrete operational thinking in which, although inductive and deductive thinking is employed, it is limited to concrete situations. Two or more issues are related in the thinking, and reversibility of thinking is also manifested by connecting two separate issues and checking the relation between them. But it seems that since all this takes place on the concrete level, it makes it difficult to think about the 'spirit' of the law and find a solution from that point of view. This tendency was not seen to be restricted to any particular age group.

3. *The ability to deal with the conflict and reach a solution without implying any wrong being done:* Many other individuals were able to solve the conflict by going beyond the letter of the law and the principles involved and finding a solution at the level of their 'spirit'. Three categories of such people could be identified:

(a) Those who could relate the individual principles involved in the conflict to a hierarchy of values, for example, life is more important than the law not to steal, and therefore the latter must be understood within the context of the 'law' to protect life. The highest value in this hierarchy was different for different people, such as life, social welfare, ideal character, religious reasons, etc. But the cognitive structure behind this kind of reasoning seems to be formal operational, in that they could go beyond the concrete situation and the letter of the law to their inner significance. As a result of this ability they could not see anything wrong in the course of action they suggested.

(b) Another type of reasoning, though of the same cognitive structural qualities, showed characteristics of a "second naive" (Ricoeur) and, like the pre-operational subjects, refused to see any conflict at all - but this time because they could go beyond the concrete situation and the letter of both the laws or principles involved, and find a basic unity in their intentions. An example is M37:

Raju may steal medicine to save a precious life. I do not call it stealing at all. It becomes stealing only in certain circumstances. Even the Islamic religion recognizes that. The punishment for theft is cutting off an arm. But only in a society where there is no need for people to steal in order to live decently. Here Raju's stealing can be justified according to true morality. Even if it is not a question of saving a life ... there are occasions when one can steal, e. g., when you are starving and there is food accumulated all around you. The same yardstick can be applied here. There must be a moral justification. My concept of morality is thus different from that of the lay

man. The term 'morality' needs reinterpretation. You must take into consideration the circumstances of the act too. I do not mean that people can exploit this theory of situations and create anarchy in society.

(c) Some individuals, again functioning on the formal operational level, refused to solve the conflict because according to them, morality does not consist in solving problems one way or other. It is rather the way you live out that conflict, by trying to be loyal to all the moral ideals involved. These cases cannot be considered to be heteronomous thinking, because the individuals concerned are clearly operating on a level of self-accepted, autonomous moral thinking, as for example:

Theft is not permitted at all. Property is either mine or thine. It is *adharma* to appropriate another's property illegally. Communists would say it is all right to break in and steal. But I would say you cannot steal. It is the owner who is to decide the price of what he owns. It may be an unjust price. But it is not for us to decide. What I say is that one should not fight evil by evil. His duty to protect his wife is according to his ability. Say for instance, can you rob the treasury to make money to take your wife to America? But if one has reached a stage where there is no 'mine' or 'thine' (one is a sage here) one can take other's property because there is no selfishness in such a person (H44).

All these three groups in the last category of people show the characteristics Piaget associates with formal operational thinking. Thinking is consistent and incompatible elements are clearly avoided. Different combinations of the individual variables involved in the conflict are suggested. To judge some of them to be inferior solutions to others can only be done on the basis of particular philosophies and on the merit of their content.

Conclusion

These different approaches to moral conflicts do correspond to the cognitive developmental stages described by Piaget. The more mature a person is cognitively, the better he can deal with such difficult situations. The resolution of moral conflicts is, therefore, facilitated not by the formulations of new principles only, but by the cognitive structural development of a person, too. Just as we need new formulations and refinements of principles to deal with these situations, attention must also be paid to the cognitive development of persons, and to the ways of encouraging this maturity. Both Piaget and Kohlberg have proposed ways and means of promoting moral development based on cognitive structural changes, a review of which is beyond the scope of this article.

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24. To keep the anonymity of the persons who took part in my study, code numbers are used here.

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